

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0134-15h

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4 INTERVIEW OF: OFFICER ERIC REBOLI, #1651

5 DATE OF INTERVIEW: 08/16/2017

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8 INV. AULET: This interview is regarding DPA Case
9 0134-15, it's taking place at the Department of Police
10 Accountability on Wednesday, August 16th, 2017, at 4:15 p.m. The
11 interviewer is DPA Investigator David Aulet. The member being
12 interviewed is Officer Eric Reboli, 1651, and he is being
13 interviewed as a named member. Officer Reboli, do you understand
14 that you have a right to a legal representative?

15 OFC. REBOLI: Yes.

16 INV. AULET: And that is why Attorney Peter Furst is
17 here next to you. Counselor, I understand that you wish to have
18 your client be afforded a Miranda admonishment, as well as a
19 Lybarger admonishment by his employer. Is that correct?

20 ATTY FURST: That is correct.

21 INV. AULET: In that case, Sergeant Tigran Antonian,
22 2109, is on the line. Sergeant, would you please?

23 SGT. ANTONIAN: Yes. Officer Eric Reboli, there may be
24 criminal culpability on your part. I want to be certain you
25 understand the following points: You have the right to remain
26 silent. Anything you say may be used against you in court. You
27 have the right to an attorney before and after questioning. Do
28 you understand each of these rights that I've explained to you?

1 OFC. REBOLI: Yes.

2 SGT. ANTONIAN: All right. And with these rights in mind,
3 would you like to speak with DPA now?

4 OFC. REBOLI: No.

5 SGT. ANTONIAN: Okay. Officer Reboli, while you have the
6 right to remain silent criminally, it is a condition of your
7 employment that you answer DPA's questions in this
8 administrative investigation. I work for the Internal Affairs
9 Division of the San Francisco Police Department. I'm advising
10 you that DPA has been designated by the Chief of Police to
11 conduct this investigation. I'm therefore, ordering you, on
12 behalf of the Chief of Police to answer DPA questions in this
13 administrative investigation. If you refuse to answer DPA's
14 questions, your silence can be deemed insubordination and result
15 in administrative discipline including and up to termination of
16 your employment. Any statement you make under the threat of such
17 discipline, will be used for administrative purposes only and
18 cannot be used against you criminally, unless you choose to
19 testify in such a criminal case.

20 ATTY FURST: May I amplify, Sergeant?

21 SGT. ANTONIAN: Yes, of course.

22 ATTY FURST: Officer Reboli, you understand that the
23 protection you get from the Lybarger decision and its progeny,
24 as well as the Peace Officers Procedural Bill of Rights protects
25 you only if you're a target in a criminal investigation? If you,
26 your statement could be used if there's a Pitchess Motion, if
27 there's a lawsuit between you and the City, if there's—I'm
28 giving you examples. If there is a violation of civil rights

1 action in the federal courts, lawsuits by some individuals. You
2 understand that your statement could be used in those
3 circumstances?

4 OFC. REBOLI: Yes, I do.

5 ATTY FURST: Do you have any questions about that?

6 OFC. REBOLI: No, I don't.

7 ATTY FURST: Thank you, Sergeant.

8 SGT. ANTONIAN: Thank you. Your statements and any
9 information you provide will be held confidential, consistent
10 with the California Constitution, Article I, Section 1, and the
11 San Francisco City Charter and Administrative Code, and will not
12 be divulged except as required by law. Do you understand this
13 order?

14 OFC. REBOLI: Yes.

15 SGT. ANTONIAN: Very well. And Officer Reboli, will you
16 answer DPA's questions as ordered at this time?

17 OFC. REBOLI: Yes.

18 SGT. ANTONIAN: Okay. Great.

19 INV. AULET: Thank you, Sergeant.

20 ATTY FURST: Thank you, Sergeant.

21 SGT. ANTONIAN: Thank you.

22 INV. AULET: Officer Reboli, have you received the
23 complaint from [REDACTED] and [REDACTED],
24 involving an officer involved shooting on the sidewalk in front
25 of 2857 Folsom Street, on Friday, February 26th, 2015, at 2147
26 hours?

27 OFC. REBOLI: Yes.

28 INV. AULET: And did you also receive the DPA Allegation

1 Continuation Form with one Neglect of Duty allegation against ID
2 pending?

3 OFC. REBOLI: Yes.

4 INV. AULET: And have you read Department General Order
5 2.08 in front of you?

6 OFC. REBOLI: Doing so now. (Reads DGO.) Yes.

7 INV. AULET: And have you read Rule 21 of General Order
8 2.01, which is on the opposite side?

9 OFC. REBOLI: (Reads DGO.) Yes.

10 INV. AULET: And have you read Section 1(a) of General
11 Order 2.04?

12 OFC. REBOLI: (Reads General Order.) Yes.

13 INV. AULET: Officer Reboli, you are obligated, pursuant
14 to General Order 2.01, Rule 21, and General Order 2.04(1)(a), to
15 cooperate with this DPA investigation, provide full assistance,
16 answer all questions truthfully and without evasion.
17 Additionally, pursuant to General Order 2.08(1)(a)(4), you must
18 answer all questions posed to you during this administrative
19 investigation; you are obligated to answer my questions. If your
20 representative interferes with or obstructs this investigation,
21 you will be deemed to have failed to cooperate with this
22 investigation.

23 ATTY FURST: May I amplify?

24 INV. AULET: Let me finish. Failure to cooperate with
25 the investigation may subject you to discipline. If your
26 representative disrupts this interview, I will stop the
27 interview and prepare a blue folder which states you are in
28 violation of General Order 2.01 and General Order 2.04. Do you

1 understand these orders?

2 OFC. REBOLI: Yes.

3 ATTY FURST: Officer Reboli, I want you to understand
4 that the provision that they make about your lawyer, what they
5 call disrupting, is undoubtedly an illegal order. Since your
6 employment is a fundamental right of the United States
7 Constitution 14th Amendment, they cannot hold you responsible
8 for the conduct of your attorney. As a matter of fact, if I were
9 to be precluded from doing my job, you would be denied effective
10 assistance of counsel. Which doesn't mean that I'm going to do
11 all kinds of things, but that threat is pretty much a toothless
12 one. I want you to understand that.

13 INV. AULET: Would you agree at least, to hold your
14 questions until the end, and I can provide you the opportunity
15 to ask as many questions as you wish, as I finish?

16 ATTY FURST: Yes, of course.

17 INV. AULET: Thank you.

18 ATTY FURST: I only ask you one concession in that, is
19 that from time to time, investigators have been known, not
20 intentionally, but to ask questions that might be unfair or that
21 might ask something that is...let's just say unfair. I would like
22 the opportunity to at least explain to you why I think that
23 question is unfair, and if you agree with me, then perhaps you
24 would rephrase or not ask that question.

25 INV. AULET: Sometimes we ask compound or complex
26 questions and Counsel may clarify for the client. I understand.

27 ATTY FURST: Yeah, sure. That's fine.

28 INV. AULET: Are you ready to proceed with your

1 interview, Officer Reboli?

2 OFC. REBOLI: Yes.

3 INV. AULET: Have you had an opportunity to review any
4 statements you had made to SFPD Homicide or Internal Affairs, in
5 relation to Incident Report 150 170 555, in relation to the
6 officer involved shooting that you made on February 27th, '15 to
7 Homicide?

8 OFC. REBOLI: Yes.

9 INV. AULET: Great. Officer Reboli, SFPD CSI produced a
10 CD from the pictures CSI Officer Nibungco took of the officer
11 involved shooting crime scene on the evening of February 27th,
12 2015, and possibly past midnight onto the 27th. As part of the
13 DPA, I should say OCC, now DPA investigation of this officer
14 involved shooting, DPA received, and I printed the photographs
15 contained therein. They will be used as part of your interview.
16 Was your SFPD appointment on February 28th, 2005?

17 OFC. REBOLI: Yes.

18 INV. AULET: Is it correct that you and Officer Craig
19 Tiffe began your careers with SFPD as probationary partners at
20 Ingleside Station?

21 OFC. REBOLI: We were in the same Academy, but yes, we
22 went to Ingleside together.

23 INV. AULET: And you both were probationers when you
24 started?

25 OFC. REBOLI: Correct.

26 INV. AULET: Were you reassigned to Mission Station in
27 the summer of 2007?

28 OFC. REBOLI: I believe so, yes.

1 INV. AULET: And was Officer Tiffe your partner again at
2 Mission Station?
3 OFC. REBOLI: Yes.
4 INV. AULET: And he's still your partner?
5 OFC. REBOLI: Yes.
6 INV. AULET: Was your unit identifier 3 David 39 on
7 February 26th, 2015?
8 OFC. REBOLI: Yes.
9 INV. AULET: And was your shift from 14 to 2400 hours on
10 the evening of February 26th, 2015?
11 OFC. REBOLI: Yes.
12 INV. AULET: How tall are you?
13 OFC. REBOLI: Approximately six-foot three.
14 INV. AULET: Approximately how much did you weigh on
15 February 26th, 2015?
16 OFC. REBOLI: Somewhere in the 210 pounds, somewhere in
17 that area.
18 INV. AULET: And were you and Officer Tiffe working in
19 plainclothes capacity that night?
20 OFC. REBOLI: Yes.
21 INV. AULET: And where do you wear your Star while
22 working in plainclothes?
23 OFC. REBOLI: Half the time it's connected to my belt, in
24 front of my sidearm, the other half of the time it's on a chair,
25 wrapped around my neck.
26 INV. AULET: How was it exposed or hidden prior to your
27 arrival to the 2800 block of Folsom Street that night?
28 OFC. REBOLI: I believe that night, it was clipped to my

1 belt in front of my firearm.

2 INV. AULET: Does SFPD picture number 80 in front of
3 you, accurately depict the black jacket that you wore when you
4 stepped out of your unmarked vehicle that night?

5 OFC. REBOLI: Yes.

6 INV. AULET: And would you describe for the record in
7 words, how was it that your Star was attached to the
8 plainclothes outfit you wore that night? Go ahead.

9 OFC. REBOLI: It was clipped to my belt, directly in
10 front of my service weapon holster.

11 INV. AULET: And SPFD picture depicts how you wore your
12 Star accurately?

13 OFC. REBOLI: Generally, yes.

14 INV. AULET: Okay. Why did you prefer to wear your Star
15 on your right side, next to your weapon, rather than permanently
16 displayed in front of your chest, hanging from a chain around
17 your neck, like your partner that night?

18 OFC. REBOLI: I don't recall the reason.

19 INV. AULET: Was there any particular clothing selection
20 or assignment that you wear half the time, clipped to your belt,
21 or another half hanging from a chain?

22 OFC. REBOLI: Again, it was 50-50. Sometimes I had it
23 clipped to my belt, other times I had it hanging from my neck.

24 INV. AULET: But was it based on assignment or the type
25 of clothing you wore? Was there any reason for that half-and-
26 half decision?

27 OFC. REBOLI: On that particular night or in general?

28 INV. AULET: In general.

1 OFC. REBOLI: Various undercover operations, if you're
2 doing buy busts, you would, I would clip it to my belt, and I
3 would make sure that my firearm is not exposed, concealing my
4 identity as a police officer. And generally, if we don't have
5 some sort of operation, again, I would have it clipped there or
6 hanging from a chain around my neck.

7 INV. AULET: But there were no buy bust operations going
8 on that evening, were they?

9 OFC. REBOLI: No.

10 INV. AULET: The position of your Star clipped to your
11 belt, directly in front of your holster, has it ever been in
12 your way when you are making a [unintelligible]?

13 OFC. REBOLI: Could you rephrase that?

14 INV. AULET: Has the position of the Star, when it's
15 clipped to your belt, directly in front of your holster, as this
16 picture in 85 depicts, has it ever been, the Star on your way,
17 when you are attempting to make [unintelligible]?

18 OFC. REBOLI: Not that night, and never at the range when
19 I was firing my weapon. No, it's never been an issue.

20 INV. AULET: Do you wear prescription glasses or
21 corrective lenses?

22 OFC. REBOLI: Currently, right now? Yes.

23 INV. AULET: But did you in 2015, during this incident?

24 OFC. REBOLI: No.

25 INV. AULET: Are you right-handed?

26 OFC. REBOLI: Yes.

27 INV. AULET: Who was your immediate patrol supervisor
28 that night?

1 OFC. REBOLI: Sergeant Dan Silver.
2 INV. AULET: And did he respond to this incident that
3 night?
4 OFC. REBOLI: I don't recall.
5 INV. AULET: Were you using your Department issued Sig
6 Sauer P20, 226?
7 OFC. REBOLI: My Department firearm? Yes.
8 INV. AULET: And did you make any modifications to it?
9 OFC. REBOLI: I had the range staff apply the rubber
10 molded grips, shortly when I was put on FTO probationary at the
11 time.
12 INV. AULET: And they're called molding grips?
13 OFC. REBOLI: I don't know the actual definitive name for
14 them.
15 INV. AULET: But it was applied by the range master in
16 order to comply with Department policy and procedures?
17 OFC. REBOLI: Correct.
18 INV. AULET: Were you carrying a secondary weapon that
19 night?
20 OFC. REBOLI: Secondary firearm?
21 INV. AULET: Yes.
22 OFC. REBOLI: No.
23 INV. AULET: How many hours did you sleep that night,
24 before this officer involved shooting? The night before this
25 officer involved shooting?
26 OFC. REBOLI: I don't recall.
27 INV. AULET: Did you take any medications after you woke
28 up on February 26th, 2015?

1 OFC. REBOLI: I don't believe so.

2 INV. AULET: Were you and Officer Tiffe riding in the
3 unmarked, silver Crown Victoria depicted in SFPD CSI picture
4 113, behind you? I'm sorry, before you?

5 OFC. REBOLI: Yes.

6 INV. AULET: Were you the driver in the front seat of
7 the unmarked, silver Crown Victoria during your response to this
8 221 call about a person with a knife, chasing another, at Folsom
9 and 24th Street?

10 OFC. REBOLI: It wasn't a 221 call. 221 is a person with
11 a gun.

12 INV. AULET: Did I say 221?

13 OFC. REBOLI: You did, sir.

14 INV. AULET: It was a 222 call.

15 OFC. REBOLI: Correct.

16 INV. AULET: Okay. So, yes, you were the driver?

17 OFC. REBOLI: Yes.

18 INV. AULET: And after this officer involved shooting,
19 did any SFPD member ask you which of the vehicles parked in
20 Folsom Street was your vehicle?

21 OFC. REBOLI: I don't recall.

22 INV. AULET: Did you get a cup of coffee with your
23 partner around 9:30 p.m. on 24th Street and Noe, shortly before
24 the 222 call of a person with a knife chasing another, came into
25 headquarters?

26 OFC. REBOLI: I don't recall exactly what we were doing
27 before; it's highly probable.

28 ATTY FURST: I'm going to ask you, Officer. You have to

1 answer every question honestly and straightforward, but don't
2 make guesses, and probabilities are guesses. If you can base it
3 on something, then do it. Otherwise, just answer his questions
4 and don't...

5 OFC. REBOLI: Okay. I don't recall.

6 INV. AULET: Yeah, I don't want you to guess, and if
7 there's some way we can help you answer the question better, we
8 can do that. Is it true that you're a Starbuck drinker, and your
9 partner prefers Pete's?

10 OFC. REBOLI: He prefers Philz.

11 INV. AULET: Philz, Philz Coffee. That's right.

12 OFC. REBOLI: Yeah.

13 INV. AULET: Does that help you remember whether you
14 were up on 24th Street before this call came in?

15 OFC. REBOLI: Well, at 24th and Noe, there's a Starbucks
16 there, and that's one of the ones I frequent in the district. If
17 we were up at 24th and Noe, highly probable that we were at
18 Starbucks, but I don't have a clear recollection of what we were
19 there for.

20 INV. AULET: Do you recall driving down 24th Street
21 before this incident?

22 OFC. REBOLI: Yes.

23 INV. AULET: And where do you believe you were at when
24 this call came in?

25 OFC. REBOLI: I believe we were two or three blocks east
26 of 24th and Folsom.

27 INV. AULET: You told Homicide that you drove west on
28 25th, and made a right onto Folsom, is that correct?

1 OFC. REBOLI: No, sir. If you want me to clarify? I
2 believe I told them I turned right, southbound direction on
3 Harrison, not Folsom.

4 INV. AULET: And then after that?

5 OFC. REBOLI: When the call came out, that's when I
6 turned, I believe it was Harrison. I turned southbound,
7 proceeded to 25th Street, then turned right, which was now
8 westbound, proceeded from that location to 25th and Folsom.

9 INV. AULET: Thank you for the complete route. Did you
10 recall being close to 24th and Folsom at the time the initial
11 broadcast came out, which was, "Mission 222, A-priority, 24th
12 and Folsom"?

13 OFC. REBOLI: Yeah, again, like I stated, we were a
14 couple of blocks away when the call came out.

15 INV. AULET: You said three.

16 OFC. REBOLI: Two or three.

17 INV. AULET: Okay. Did Officer Tiffe type onto the MDT
18 that your unit was also responding as a backup?

19 OFC. REBOLI: I don't recall.

20 INV. AULET: I ask because I did not hear the 3 David 39
21 comment on the air, but there may have been people on the air at
22 the time your partner may have said and entered something. So,
23 did either of you make a broadcast that you were responding as a
24 backup?

25 OFC. REBOLI: I don't recall.

26 INV. AULET: And as the driver, who was operating the
27 low-band radio in your unmarked vehicle?

28 OFC. REBOLI: That would have been the passenger, Officer

1 Tiffe.

2 INV. AULET: Did you hear any of the updated broadcasts
3 before turning right onto the 2800 block of Folsom Street?

4 OFC. REBOLI: Yes.

5 INV. AULET: What do you recall of those important
6 broadcasts with details to responding units, about the man
7 chasing another with the knife?

8 OFC. REBOLI: I believe Dispatch had advised that the
9 subjects involved were running towards 25th Street.

10 INV. AULET: Any particular direction do you recall?

11 OFC. REBOLI: That would have been southbound.

12 INV. AULET: So, did you hear 3 David 14 Edward was
13 dispatched or came up to take this call?

14 OFC. REBOLI: I knew a unit came up as primary. I don't
15 recall which unit it was though.

16 INV. AULET: Did you hear the other broadcast by
17 3 David 16 David, who said he was responding as a backup unit,
18 backing 3 David 14?

19 OFC. REBOLI: I don't recall.

20 INV. AULET: Okay. Did you hear the broadcast by
21 Dispatch, who added, "RP yelled at someone on the background. He
22 is running with a knife over there, heading Folsom towards
23 25th"?

24 OFC. REBOLI: I don't recall the exact updates from
25 Dispatch.

26 INV. AULET: Could that be the one that led you to
27 believe that subjects were running southbound towards 25th?

28 OFC. REBOLI: I know one of the updates from Dispatch was

1 that the subjects were running southbound towards 25th on
2 Folsom, yes.

3 INV. AULET: Did you hear the following one that says,
4 from Dispatch, "222 is chasing another male. Both are 5'5" tall.
5 We're still trying to get a little further description."

6 OFC. REBOLI: I don't recall hearing that one, specific
7 one, no.

8 INV. AULET: Following that, 3 David 13 Edward broadcast
9 a 10-25 to indicate that they were responding as backup. Did you
10 hear the broadcast that followed, in which Dispatch said, "And
11 they possibly came out of a house, 2883 Folsom Street"?

12 OFC. REBOLI: I don't recall hearing that.

13 INV. AULET: And did you hear the dispatch update about
14 both subjects being Latin male adults yelling in Spanish?

15 OFC. REBOLI: I don't recall the description of the
16 suspects.

17 INV. AULET: Or any comment about the language that they
18 were speaking with?

19 OFC. REBOLI: No, sir.

20 INV. AULET: I should say, speaking in. What were you
21 thinking at the time you were driving and this last update was
22 broadcasted?

23 OFC. REBOLI: I'm thinking as I'm traveling towards
24 Folsom Street towards 25th, that there's a delay from Dispatch
25 to what is actual realtime. So, I'm looking for, even though
26 Dispatch is saying 24th and Folsom, I'm looking for subjects
27 running past, already past that intersection. I'm looking for
28 subjects running at me that would be involved, or away from me,

1 | which would be on 25th, towards Mission Street. I'm just looking
2 | for people running and seeing if I can find the direction or
3 | what involvement they have, that sort of thing.

4 | INV. AULET: And did that slow your driving, because you
5 | were aware of the delay? Meaning that they could appear in
6 | either directions than the last ones dispatched?

7 | OFC. REBOLI: We didn't respond Code 3, but we were
8 | responding quickly. The closer I got to 25th and Folsom, the
9 | more aware, the more probably slower I was becoming, just
10 | because I'm coming up on an intersection, as well as I'm looking
11 | around for people running in the area.

12 | INV. AULET: But you knew they were last known to be
13 | running southbound on Folsom?

14 | OFC. REBOLI: Yes.

15 | INV. AULET: So, you did not recognize that both
16 | subjects might be two males with limited English proficiency,
17 | while you were en route to Folsom Street? Is that what I hear?

18 | OFC. REBOLI: Yeah. I don't recall anything regarding
19 | language or description of the subjects.

20 | INV. AULET: And you said that you responded
21 | expeditiously?

22 | OFC. REBOLI: Yes.

23 | INV. AULET: Okay. How was the unmarked Crown Victoria
24 | equipped?

25 | OFC. REBOLI: It has a forward facing red light in the
26 | center of its windshield, just underneath its rearview mirror,
27 | and it's also equipped with the toggle switch that activates it.
28 | There is a button that activates the horn, the loud horn.

1 INV. AULET: For the siren?

2 OFC. REBOLI: Yes.

3 INV. AULET: And where's that?

4 OFC. REBOLI: It's on the same mounted position where the

5 toggle switch is.

6 INV. AULET: Does it activate both at the same time?

7 OFC. REBOLI: It can, but I believe there's a button that

8 can deactivate the siren, just to where it's the red light.

9 INV. AULET: And is it in the same mount or is it a

10 separate location?

11 OFC. REBOLI: It's been several years since I've driven

12 it. I believe it's all in the same general area that the toggle

13 switch is mounted.

14 INV. AULET: So, from what I hear, the way you described

15 the light, it does not require manual exposure, like from the

16 visor, the old ones. Right?

17 OFC. REBOLI: No. It's fixed to the rearview mirror on

18 the windshield.

19 INV. AULET: And is it as prominent as the one used, you

20 flip form the visor, or is it a smaller red light?

21 OFC. REBOLI: It's a singular red light, so it's probably

22 the same size as the flip down red light.

23 INV. AULET: Is it the one that is shown in this,

24 picture 113?

25 OFC. REBOLI: It's the flip down. It would generally

26 either have by itself or a blue one next to it. So, it's

27 probably generally the same size.

28 INV. AULET: So, you could activate an emergency light

1 in this unmarked vehicle. Right?

2 OFC. REBOLI: Correct.

3 INV. AULET: And whose job is it to activate the lights
4 and siren in your unmarked vehicle when you were driving?

5 OFC. REBOLI: It's kind of in the center. Primarily, it
6 would be the driver of the vehicle, would activate that.

7 INV. AULET: When you say center?

8 OFC. REBOLI: The center of the dashboard, kind of where
9 the, near the radio is.

10 INV. AULET: Does that mean it's in-between the driver
11 and the passenger?

12 OFC. REBOLI: Yeah. Again, it's closer to the driver's,
13 the steering column, but it could be reached from the passenger
14 side.

15 INV. AULET: Did you activate the emergency light?

16 OFC. REBOLI: I don't recall. I don't believe so, but I
17 don't recall 100 percent.

18 INV. AULET: Now, tell me what you were thinking when
19 you were responding and you either activated it or not--the light
20 and the sirens.

21 OFC. REBOLI: Okay. Can you clarify? When I immediately
22 heard the call come out, or when I got to 25th and Folsom?

23 INV. AULET: So, you turned right onto Folsom. You're
24 looking for the subjects as you described. I gather that you
25 specifically were talking about two subjects. Right?

26 OFC. REBOLI: When I got to 25th and Folsom, I proceeded
27 into kind of, into the intersection, looking for possible
28 suspects. I didn't immediately see people running. I was alerted

1 to a person on the corner, who was looking back towards 24th
2 Street. So, I followed what I figured he was looking at, and
3 then, in the center of the street, probably mid-block, is I see
4 two shadowy figures running kind of in circles.

5 INV. AULET: Did you anticipate being the first unit on
6 scene when you heard, "Mission, 222, A-priority, 24th and
7 Folsom?"

8 OFC. REBOLI: I didn't anticipate anything.

9 INV. AULET: Did you say anything to your partner about
10 not activating the siren during your response?

11 OFC. REBOLI: No.

12 INV. AULET: Did you he say anything to you about
13 activating the light and sirens or not?

14 OFC. REBOLI: No.

15 INV. AULET: Considering that you were both in
16 plainclothes, driving in an unmarked vehicle, did you and your
17 partner discuss, during those few blocks before reaching mid-
18 block Folsom Street, what you were going to do if you were the
19 first unit on-scene?

20 OFC. REBOLI: Are you asking if we formulated a plan?

21 INV. AULET: That's a very short abbreviation of my
22 question.

23 OFC. REBOLI: No, we didn't discuss any tactics or plans
24 or anything.

25 INV. AULET: And what were your intentions to respond
26 expeditiously to this call in plainclothes in an unmarked
27 vehicle?

28 OFC. REBOLI: I'm sorry, what were our plans?

1 INV. AULET: Intentions.

2 OFC. REBOLI: Intentions?

3 INV. AULET: To respond expeditiously to this particular

4 call in plainclothes in an unmarked vehicle?

5 OFC. REBOLI: To arrive on-scene and figure out what was

6 going on.

7 INV. AULET: And considering that this was a call about

8 two men, one chasing another with a knife, were there any

9 intentions to surprise the subjects in plainclothes capacity,

10 without alerting them with a light or a siren?

11 OFC. REBOLI: First off, 24th and Folsom area, 24th

12 Street corridor, a person with a knife is a fairly common call

13 for service. The majority of the time when officers arrive,

14 either the subjects are not in the area, or the object that the

15 person thinks is a knife, is not a knife. It is some other

16 object; a flashlight, a cellphone. So, the nature of the call, a

17 person with a knife, in that area, is not an uncommon call for

18 service. So, I don't know if that answers your question or not?

19 INV. AULET: Well, let me rephrase it, now that you've

20 given that excellent background information that I didn't have.

21 Is it more beneficial to your enforcement of those type of

22 calls, given the information you gave just now, that you respond

23 without responding without lights and sirens, in order to

24 intervene and be able to quickly apprehend the subjects, whether

25 they're in a fight, in an assault mode, or de-escalate, if it's

26 in fact, different than the type of call that is broadcasted?

27 ATTY FURST: Officer, if that question is a bit

28 complicated or compound, let him know. Because if you're not

1 getting it, he will break it down for you.

2 OFC. REBOLI: Yeah. Maybe I'm not following your
3 question. If you could...?

4 INV. AULET: Maybe?

5 OFC. REBOLI: Yeah. The lights and sirens don't
6 necessarily have anything to do with breaking up a fight or
7 responding to a location. We were so close, and other units
8 responding in a Code 3 manner—lights and sirens, my intent was
9 again, to get to the area to see. Again, from experience of
10 being in the Mission, is just because the call originates at
11 24th and Folsom, doesn't mean that you're not going to find the
12 subjects at 25th and Folsom, or even down at 26th and Folsom.
13 So, I was responding to the general area, trying to determine if
14 somebody's running or fleeing the scene. Again, 222, person with
15 a knife, in this area is common, but we have no information. Is
16 it a robbery? Is it a homicide? Is it something more drastic, or
17 if this is merely people goofing around. My intent, being so
18 close, was to get to the area and try and see if anyone's
19 running, and then figure out from there, and assist the units
20 that are arriving.

21 INV. AULET: Is it common to respond Code 3 on
22 A-priority calls?

23 OFC. REBOLI: Common in what context?

24 INV. AULET: Specifically a 222, when specifically
25 broadcast as one person is chasing another with a knife, and it
26 continues to be receiving other calls of the same nature?

27 OFC. REBOLI: By the time that more updates were coming,
28 we were within a block. So, tying up air traffic to say we were

1 responding Code 3, when we're essentially already there, would
2 have been a negative use of the air.

3 INV. AULET: You would have to say Code 3 in order to
4 respond Code 3?

5 OFC. REBOLI: To be covered under our DGO regarding
6 Code 3 response, yes, you have to alert Dispatch and the
7 supervisor that you're responding Code 3.

8 INV. AULET: So, in this case, you specifically recall
9 that doing so would have tied up the air, and it was not
10 beneficial to do so in this case?

11 OFC. REBOLI: Again, we were already essentially in the
12 area, so it didn't seem like a relevant situation.

13 INV. AULET: Well, that's why I asked. Given the facts
14 that are known, whether your intentions were to surprise the
15 subjects without alerting them with lights and siren, as you
16 were getting, and were being that close?

17 OFC. REBOLI: My intentions...

18 ATTY FURST: Forgive me. Investigator Aulet, I believe
19 there was what we would call in a courtroom session a situation.
20 I know this is not a courtroom. You said something that has no
21 basis in fact. He didn't say that he was going to surprise
22 anybody, and your question was framed as if that was the case.

23 INV. AULET: Yes. You were saying in your experience?

24 OFC. REBOLI: In my experience what?

25 INV. AULET: I don't know. Your counselor interrupted
26 your answer, when I had already framed the question.

27 OFC. REBOLI: No, sir. I was saying my intent was not to
28 surprise anybody, but to simply get to the area.

1 INV. AULET: Was it to also to prevent the stabbing by
2 one person of another?

3 OFC. REBOLI: Again, my intent was to get to the area to
4 assist in the investigation. What, if any, investigation needed
5 to be done.

6 INV. AULET: So, in your collective experience, you were
7 aware that calls of this nature might not amount to what is
8 portrayed to Dispatch? Is that what I gather?

9 OFC. REBOLI: Correct.

10 INV. AULET: Okay. Do you recall your partner putting
11 your unit in the MDT, backing the primary marked unit assigned
12 to this call?

13 OFC. REBOLI: I don't have a clear, definitive
14 recollection of what my partner did in the vehicle, no.

15 INV. AULET: So, please tell me what you remember
16 happened after you turned right onto Folsom Street.

17 OFC. REBOLI: Again, when I saw the shadow figures
18 running in the street, I turned the vehicle northbound onto
19 Folsom Street, and as I was doing so, I saw the figures run from
20 the street onto the sidewalk.

21 INV. AULET: And did you alert your partner about the
22 two people?

23 OFC. REBOLI: Yes.

24 INV. AULET: Doing so?

25 OFC. REBOLI: Yes.

26 INV. AULET: And what did you actually say to him about
27 that?

28 OFC. REBOLI: I believe I initially pointed out, I said,

1 "There they are," and then as we were driving and they ran onto
2 the sidewalk, shortly after I saw them run on the sidewalk, one
3 of them came out from the sidewalk onto the street.

4 INV. AULET: Did you say to your partner that two guys
5 on the east side, running around, looked like they were chasing
6 each other on the street?

7 OFC. REBOLI: I don't recall my exact verbiage, but it
8 was probably something along those lines.

9 INV. AULET: And did you accelerate in order to approach
10 the two guys at that point?

11 OFC. REBOLI: I'm sure I did, yes.

12 INV. AULET: Okay. Do you remember now, whether at that
13 point, you flipped either of the [switched] four lights or
14 sirens?

15 OFC. REBOLI: Again, like I said earlier, I don't believe
16 I activated the red light.

17 INV. AULET: Okay. And as your vehicle approached this
18 mid-block location...strike that. And as you saw one subject
19 running from the sidewalk to the street, is that what I just
20 heard?

21 OFC. REBOLI: He came out from the sidewalk, he didn't
22 run, but I saw him come from the sidewalk. There was a blue car
23 and another car, I don't recall the color or make, but they were
24 parked facing northbound, along the curb line on Folsom.

25 INV. AULET: And could you see, at that point, which
26 hand, I'm sorry, if that subject had a knife on-hand?

27 OFC. REBOLI: As he's coming off the sidewalk, I'm
28 parking the vehicle, and I'm alerting Officer Tiffe that there's

1 at least one more person on the sidewalk, and I'm focusing my
2 attention on the male subject that was now coming to stop, or
3 coming to rest, leaning against the other vehicle. I could see
4 his hands, but I could only see one of his hands. I couldn't see
5 his left hand completely.

6 INV. AULET: So, it was the right side, the one you're
7 facing that you could only see?

8 OFC. REBOLI: Correct.

9 INV. AULET: And you couldn't see if that person had a
10 knife in his right hand?

11 OFC. REBOLI: Correct.

12 INV. AULET: Could you tell me why?

13 OFC. REBOLI: He's facing me, and so, I'm walking from my
14 vehicle towards him. So, much like a traffic stop, I would take
15 kind of the most direct route. As I'm approaching him, I can see
16 his hands are crossed over like this.

17 INV. AULET: For the record, wrist over wrist?

18 OFC. REBOLI: Correct. I don't recall if it was right
19 over left or left over right, but they were crossed in front of
20 him, and most of his body was leaning on the blue vehicle, right
21 about where the windshield and the A-frame, the frame of the
22 door come together, on like the front fender, right by the wheel
23 well.

24 INV. AULET: So, are both wrists or his hands over the
25 vehicle?

26 OFC. REBOLI: He's leaning on the vehicle with his hands
27 in front of him, so I could see one of his hands, but I couldn't
28 see the other hand.

1 INV. AULET: Okay. And how far from the blue Nissan
2 would you say that you parked the unmarked vehicle?
3 OFC. REBOLI: It was at least one car length, possibly a
4 little further.
5 INV. AULET: Was there anything else you said to Officer
6 Tiffe before you actually exited your car?
7 OFC. REBOLI: Again, I alerted Officer Tiffe to at least
8 one person on the sidewalk.
9 INV. AULET: But you don't remember anything else after
10 that?
11 OFC. REBOLI: Correct.
12 INV. AULET: And was the unmarked vehicle parked
13 straight, facing north, or was it parked diagonally, pointing at
14 the blue Nissan, and the area where Amilcar stood on the
15 sidewalk?
16 OFC. REBOLI: I don't recall the position.
17 INV. AULET: How were the lighting conditions on the
18 sidewalk?
19 OFC. REBOLI: The sidewalk was only illuminated by the
20 porch lights, so it was not very well-lit.
21 INV. AULET: Were the unmarked vehicle headlights on at
22 the time you stopped and parked at where you described?
23 OFC. REBOLI: I don't recall if I turned them off or let
24 them on. I don't recall.
25 INV. AULET: And once you got out of the car, could you
26 see Amilcar Perez-Lopez?
27 OFC. REBOLI: No.
28 ATTY FURST: Do you know these names?

1 OFC. REBOLI: I've become familiar with them.
2 ATTY FURST: Did you know it at the time?
3 OFC. REBOLI: No, sir.
4 INV. AULET: Okay. You've already described what you saw
5 once you stepped out. Correct?
6 OFC. REBOLI: I believe I have, yes.
7 INV. AULET: Okay. Could you describe where your Star
8 was at the time you stepped out of the car and approached
9 [REDACTED] on the street side?
10 OFC. REBOLI: My Star?
11 INV. AULET: Yes.
12 OFC. REBOLI: Again, it was clipped to my belt, in front
13 of, directly in front of my firearm.
14 INV. AULET: And how did you display your car while it
15 was being clipped, as you described? It was still underneath
16 your jacket. Correct?
17 OFC. REBOLI: I wasn't clipping it. It was already
18 clipped. I did not touch my Star. My sweatshirt was tucked on
19 the inside of the firearm, exposing the Star.
20 INV. AULET: And you specifically recall when you came
21 out of the car doing that, tucking it?
22 OFC. REBOLI: No, sir. Generally, my gun is exposed and I
23 would just, out of necessity, if I need to get to it, I would
24 tuck my sweatshirt into the belt, so I wouldn't have to be
25 fumbling with the sweatshirt, in case something like this
26 happened. So, if my gun was easily exposed, then the Star was
27 easily visible.
28 INV. AULET: So, do I hear you explaining that your

1 | sweatshirt is already tucked underneath the belt when you're
2 | still inside the car?

3 | OFC. REBOLI: I believe so, yes. That was a common
4 | practice that I did.

5 | INV. AULET: And did you walk or run to approach [REDACTED]
6 | [REDACTED]?

7 | OFC. REBOLI: I believe I walked.

8 | INV. AULET: Did you say anything to him?

9 | OFC. REBOLI: As I'm getting close to him, I announce
10 | myself in a clear, loud voice that I'm police.

11 | INV. AULET: And from what you could see of [REDACTED]
12 | [REDACTED], did he match the description of one of the two Latin
13 | males? 30s, 5'5, both wearing beanies?

14 | OFC. REBOLI: You know, like I said earlier, I don't
15 | recall any description or making any mental notes of any
16 | description involved from Dispatch.

17 | INV. AULET: So, at that point, you only knew that there
18 | were two men, one chasing after another with a knife?

19 | OFC. REBOLI: Correct.

20 | INV. AULET: Did you come out of your vehicle with your
21 | flashlight on hand?

22 | OFC. REBOLI: I don't recall.

23 | INV. AULET: Did you come out of your car with your
24 | weapon drawn?

25 | OFC. REBOLI: No.

26 | INV. AULET: You're sure about that?

27 | OFC. REBOLI: Positive.

28 | INV. AULET: Did you have anything in your hands when

1 | you approached [REDACTED] on the street side of the blue Nissan?

2 | OFC. REBOLI: I don't believe so.

3 | INV. AULET: Do you wear an earpiece for your PIC radio?

4 | OFC. REBOLI: No.

5 | INV. AULET: Did you wear your PIC radio on your left,

6 | rear pocket, without a cord attached to an open microphone as

7 | depicted in picture, SFPD 92?

8 | OFC. REBOLI: That looks to be correct. I can't, I'm not

9 | 100 percent certain if it was clipped outside like that or if it

10 | was clipped in my back pocket, but that's always where I kept

11 | it, it was in my back, left pocket.

12 | INV. AULET: I guess the important part is, to me,

13 | whether it had no attached microphone.

14 | OFC. REBOLI: This part?

15 | INV. AULET: This recording doesn't see what you're

16 | pointing to, Officer, so listen to the question. The important

17 | part is it did not have an open microphone attached to it.

18 | Correct?

19 | OFC. REBOLI: Correct. As is depicted in that photograph,

20 | is the exact condition that I carried my radio.

21 | INV. AULET: Thank you. Could you hear other units

22 | broadcasting as you approached [REDACTED] on the street?

23 | OFC. REBOLI: I don't recall.

24 | INV. AULET: Do you normally, are able to hear other

25 | units approaching when you are also responding to a call of this

26 | high priority type?

27 | OFC. REBOLI: Again, it's hard to say. There's no typical

28 | A-priority. From the time that I got out of my vehicle, until

1 the time I made contact with the victim, was probably four or
2 five seconds. So, in that time, I don't recall if anything was
3 broadcasted or not.

4 INV. AULET: That's not where your attention is at that
5 time, is it?

6 OFC. REBOLI: No, sir.

7 INV. AULET: Could you see Officer Tiffe approach
8 Amilcar Perez on the sidewalk?

9 OFC. REBOLI: No.

10 INV. AULET: And once your focus was on [REDACTED],
11 could you please describe in detail what happened from that
12 point forward?

13 OFC. REBOLI: Again, as I'm approaching him, I announce
14 myself as police. As I get close to him, I believe I announce
15 myself as police again, and I'm using my hands in front of me,
16 and asking for or saying, "Hands," and shaking my hands in a
17 reference to, "Show me your hands." I may have even ordered him
18 to show me his hands.

19 INV. AULET: Go on.

20 OFC. REBOLI: The victim looked at me and simply, again,
21 I don't know left over right, right over left, but he simply
22 maneuvered his hands open in front of him in this gesture, where
23 he just simply rolled his hands forward, to where I could see
24 both hands were empty of any objects.

25 INV. AULET: Okay. And what happened next?

26 OFC. REBOLI: As I'm walking up to him, getting closer
27 and closer, he does this. Again, this is all fluid and in
28 constant motion. Once I see his hands are empty, I reach out, I

1 grab his forearm, which is his right forearm, which is the
2 closest to me, and I grab, using my left hand, grab his elbow,
3 and kind of pin him up against the car, using his own arm to
4 kind of pin him. I don't know if he's the one with the knife. I
5 don't know anything at this point. I haven't searched him, I
6 haven't cleared him for any weapons. So, keeping my own personal
7 safety, that's when I just used my body and pinned his arm up
8 against him.

9 INV. AULET: Okay. And then, what else did you do?

10 OFC. REBOLI: I then slid my right hand up to his elbow,
11 and used my left hand to reach around, and again, to do the same
12 thing, shoulder to elbow. I pinned his arms together because
13 he's being wedged up against an immovable object in the parked
14 vehicle, and now me, pressing up against him. So, I grabbed his
15 left elbow with my left hand, and I pulled it back, and almost
16 like a hockey maneuver, I pinned his elbows behind him. Just in
17 case he has the knife on him and he goes to grab it, I would
18 sense his body tensing or his movement somehow.

19 INV. AULET: In order to immobilize him?

20 OFC. REBOLI: Yes. Again, for my own personal safety, I
21 don't know if he's the one with the knife. I don't know what's
22 going on, on the sidewalk. Again, I don't know what is going on
23 in this call for service. We're just on-scene, and now I'm
24 making contact with what I believe is one of the participants.

25 INV. AULET: And what was his overall demeanor at that
26 point?

27 OFC. REBOLI: I could see he was breathing quite heavily.
28 He was saying something, but I wasn't recognizing what he was

1 saying. When I grabbed him by the elbow, I told him, you know,
2 "Let's go, let's get on the sidewalk. Let's get out of the
3 street," something to that effect. And when I turn him, his
4 entire bodyweight was in my hands. It's as if he were completely
5 devoid of any strength, he was just completely limp; there was
6 no tension in his body. I kind of, again, now I'm having to hold
7 up another grown man, and I'm, I took a glance over at Craig to
8 see where he was.

9 INV. AULET: Over your right, as you're describing?

10 OFC. REBOLI: Yes, because to the right of me is the
11 sidewalk. So, I'm on the street, there's a parked car and then
12 there's the sidewalk. So, I'm looking for Craig to find out what
13 he's doing, where he's at in relation to me.

14 INV. AULET: For the record, Officer Tiffe?

15 OFC. REBOLI: Yes, Officer Tiffe.

16 INV. AULET: Okay. And this was still on the front, left
17 bumper area of the blue Nissan?

18 OFC. REBOLI: As I'm making contact with the victim, he
19 is more towards the windshield and where the front fender come
20 together, and I'm spinning him and moving him towards that front
21 bumper, so we can get the quickest access to off the street,
22 would be to the front of the car, go in-between the front of the
23 blue car and the back of the other car to get onto the sidewalk.
24 So, that was my motion, turning him to get to that area, to get
25 off the street.

26 INV. AULET: Okay. And was there anything specific that
27 you saw when you took a glance towards your right, over the
28 vehicle, onto the sidewalk, where your partner was?

1 OFC. REBOLI: The first I remember is seeing, across the
2 windshield of the vehicle, I saw Officer Tiffe on the sidewalk
3 kind of facing me, and he was speaking to somebody, because I
4 could see and hear his voice, but I can't recollect, I can't
5 make out what he's saying.

6 INV. AULET: By the way, let me go back for a second.
7 Whatever [REDACTED] seemed to have said to you that you
8 indicated that you couldn't recognize. Was it possibly in
9 Spanish that he was talking back to you?

10 OFC. REBOLI: I don't recall what. I remember seeing his
11 mouth move, and I remember hearing his voice, but I have no
12 recollection of what he's saying to me.

13 INV. AULET: So, it's not that you cannot recognize
14 someone speaking to you in Spanish, it's just what?

15 OFC. REBOLI: To be honest with you, I think he was so
16 exhausted and he just, his voice wasn't loud enough for me to
17 comprehend what he's saying.

18 INV. AULET: I see. Okay. So, you're moving forward
19 towards the sidewalk with [REDACTED].

20 OFC. REBOLI: I had [REDACTED], I'm holding him by his
21 elbow, you know, essentially his biceps right the elbow, and I'm
22 guiding him from the street onto the sidewalk. I take a second
23 glance at Officer Tiffe, and I see he is either touching his
24 Star or holding his Star from his chest, but he's definitely
25 drawing the attention to the Star. And now, I can see what is
26 the back of another male's head, and the back, left shoulder of
27 the male, but it's over the windshield of the vehicle. And so, I
28 see Officer Tiffe more in the center of the sidewalk, facing the

1 street, and then there's a male, and then there's a parked car
2 that I'm in very close proximity to.

3 INV. AULET: So, do I hear you saying at that point you
4 couldn't see the right hand or the right side of Amilcar Perez
5 because he was sort of moved too closer to your partner?

6 OFC. REBOLI: I don't know what the relation, I don't
7 know how many feet the two of them were separated by.

8 INV. AULET: I'm only asking because you said that you
9 saw his back of his left shoulder. So, does that mean that he
10 was turned?

11 OFC. REBOLI: Again, I'm looking over the vehicle.

12 INV. AULET: Yes.

13 OFC. REBOLI: And over the windshield of that
14 obstruction. All I can see is the back of his head and the back,
15 left shoulder of the suspect.

16 INV. AULET: So, it's because of the vehicle, not
17 necessarily where Amilcar was positioned?

18 OFC. REBOLI: It's both, sir.

19 INV. AULET: Okay. Please, go on.

20 OFC. REBOLI: I see Officer Tiffe speaking to that
21 subject, and I'm still maneuvering the victim. I then take my
22 eyes off Officer Tiffe, because I'm trying to figure out the
23 safest way to get onto the sidewalk. And as I'm doing so, I
24 again see the victim saying—I see him kind of leaning over his
25 right shoulder, like he's trying to talk to me, and I see his
26 mouth moving, I hear his voice, but I am not comprehending what
27 he's saying.

28 INV. AULET: And for the record, when you refer to the

1 victim, you're referring about [REDACTED], the one you were
2 holding?

3 OFC. REBOLI: Correct.

4 INV. AULET: Thank you. Sorry for that.

5 OFC. REBOLI: I kind of, once I see my walking path, my
6 direction of travel is clear to get from the street to the
7 sidewalk, meaning we're not about to step in a big pothole,
8 we're not about to run right into the back of a trailer hitch or
9 any obstruction, and I'm seeing the victim speaking and I'm
10 still holding him up. I then look. I don't know if it's because
11 the victim is now alerted to something going on, but I remember
12 looking in his face, and then glancing back up to where Officer
13 Tiffe is, and that's when I see Officer Tiffe and the suspect
14 struggling.

15 INV. AULET: Describe that struggle that you saw.

16 OFC. REBOLI: Again, I can't really see the suspect. I
17 see Officer Tiffe kind of has his hand on the suspect's back,
18 and he's trying to...

19 INV. AULET: His right hand, as you were motioning?

20 OFC. REBOLI: I see a hand. I don't know if it's a right
21 hand or a left hand. Again, they're struggling together. I see
22 Officer Tiffe engage in a struggle. I disengage from the victim.
23 I don't, to this day, I don't recall if I pushed him forward
24 onto the sidewalk. I don't recall if I threw him to my left or
25 threw him to my right. I just remember moving him out of my way
26 in some direction.

27 INV. AULET: So, that could be back to where [REDACTED]
28 originally was, to the left, past the two parked vehicles, or

1 forward between the two vehicles, onto the sidewalk?

2 OFC. REBOLI: Correct. I just remember disengaging.

3 INV. AULET: Because you were already in-between the two

4 cars by the time you did this?

5 OFC. REBOLI: Correct. We are the front of the blue car,

6 and then in-between the front of the blue car and the back of

7 the other car parked in front of it, there's probably a three-

8 foot gap of pavement, then onto the sidewalk. We had not, I

9 don't believe we had gone into that six-foot, eight-foot, you

10 know, the width of a vehicle to get to the sidewalk. So, I don't

11 exactly know my exact location, other than I was staring at an

12 open pathway to the sidewalk.

13 INV. AULET: You were looking at the space between the

14 two parked cars?

15 OFC. REBOLI: Correct.

16 INV. AULET: But you are not in it yet?

17 OFC. REBOLI: I don't recall if we were a foot in there,

18 if we are a step in there, I don't recall, but I just remember

19 disengaging from the victim.

20 INV. AULET: Okay. By pushing him in one direction or

21 another?

22 OFC. REBOLI: Correct.

23 INV. AULET: Okay. And what did you do next?

24 OFC. REBOLI: I ran, and again, keeping Officer...they're

25 in front of me but off to my right, so I can see the peripheral.

26 I glanced again, at the area I'm running, because I don't want

27 to run or break my ankle on a curb, or run into a street sign or

28 something. So, I glanced very quickly to see my path of travel

1 was clear, and then as soon as I got on the sidewalk, around the
2 vehicle, I'm now running southbound, directly at both Officer
3 Tiffe and the suspect. They're both still moving. It looked like
4 Craig was trying to take him to the ground. I don't know if he's
5 trying to tackle him. I don't know if he's trying to spin him or
6 throw him. All I know is the two of them are locked together and
7 they're in like a scrum; they're just moving all over the place.

8 I continue to run directly at both of them, so that I could
9 knock them apart, tackle the suspect. I wasn't, I was trying to
10 think of the best possible way to get Craig away from the
11 suspect and also end the struggle, so we can detain the suspect,
12 put him in handcuffs, and figure out what's going on. All I know
13 is Craig was struggling with a suspect, which is abnormal for
14 Craig. Craig is not an aggressive person, so for Craig, Officer
15 Tiffe to be physically engaged with somebody, it must be fairly
16 serious.

17 INV. AULET: And considering that one of these two
18 subjects was known to have a knife, were you thinking, at that
19 point, as you're approaching them that he may have a knife?

20 OFC. REBOLI: Very much so, yeah.

21 INV. AULET: Okay.

22 OFC. REBOLI: And I don't know for certain he has a
23 knife, but I know the call for service was someone being chased
24 with a knife. I didn't see anyone else on the sidewalk in this
25 general area. So, as I'm running towards them, all I'm thinking
26 about is Officer Tiffe's safety.

27 INV. AULET: And so, what did you do?

28 OFC. REBOLI: Again, as I'm running, I'm trying,

1 extremely quickly, I'm trying to formulate a plan to detain, get
2 the suspect under control. Do I tackle him, [unintelligible]
3 style? Do I just use my body force into him to drive him away
4 from Craig? I remember thinking of, do I run and do like a jump
5 side kick? Do I run and do a round kick to his base or to his
6 stomach, just to drive him away? As I'm thinking all of this, is
7 when I see the suspect attempt to kill Officer Tiffe. He made a
8 very dramatic slashing motion at Officer Tiffe, causing Craig to
9 lunge and fall backwards. I just, because Craig is in front of
10 me, I can see Craig and the suspect, they're still intertwined.
11 As the suspect swings, again, I'm not certain if it's his left
12 hand he's swinging the knife or the right hand; I'm not 100
13 percent.

14 I just see the suspect lunge, launch himself off the
15 sidewalk, off the ground, and he's swinging the knife at Craig.
16 Craig is falling backwards and he has both hands up, clearly in
17 front of him, outward like this, and he's falling away from the
18 suspect. I described what I'm seeing as a scene from the movie,
19 *The Matrix*, the very popular scene where the character falls,
20 just bends at his knees, and the bullets are going past him,
21 that's what Craig looked like. He was, and again, his actions
22 were slow motion, and I'm keying on the suspect. It looks like
23 he came off the ground, he swung so hard, and he was turning his
24 entire body. As this is happening, I'm no more than five feet,
25 six feet away from both of them as I'm watching this, and I'm
26 running as hard as I can to get to them.

27 So, as the suspect spins away from the slash, he now is
28 collecting himself, and he now sees me, and he just starts

1 running, what I'm perceiving as running directly at me.

2 INV. AULET: Okay.

3 OFC. REBOLI: I didn't know if you wanted me to continue?

4 INV. AULET: Please.

5 OFC. REBOLI: Okay. As I see Craig falling backwards, and
6 now the suspect's running directly at me, I don't know how I did
7 it, but it feels like I stopped on a dime immediately. I
8 described it like a scene out of a Wile E. Coyote cartoon, just
9 instantly. I immediately launch myself backwards. I know one, at
10 least one very large lunge step back, probably two or three,
11 because the entire time the suspect is charging at me, and he's
12 slashing in the air with a knife, and I see it's a very large
13 knife.

14 INV. AULET: Actually, the way you're doing it in both
15 directions?

16 OFC. REBOLI: Yeah. He's doing this at me. He's running
17 at me and he's slashing.

18 INV. AULET: For the record, both directions. Right to
19 left, left to right, in the upper chest area in front of
20 himself?

21 OFC. REBOLI: Yes.

22 INV. AULET: And moving forward?

23 OFC. REBOLI: Moving forward, yes.

24 INV. AULET: And that is the time that you're moving
25 backward, or you were...?

26 OFC. REBOLI: Absolutely.

27 INV. AULET: Okay. Just one or more than one large step
28 backward?

1 OFC. REBOLI: I would say one very large, probably two or
2 three. I'm just, I'm getting backwards. I don't recall how many
3 steps I take.

4 INV. AULET: And is it your position that you moved,
5 like you told Homicide, about five or six feet backward, or
6 could it be more?

7 OFC. REBOLI: Six-foot, in that general proximity. I
8 don't...four feet, five feet, six feet, seven feet, in that
9 general area. Again, I'm keen on this knife that's whipping in
10 front of me, and I'm backing up, and he's advancing on me, which
11 I know is a horrible idea.

12 INV. AULET: Clarify for me. Is it backing from him in
13 the northern direction of the sidewalk, or towards the iron
14 fence of the building in front of 2857 Folsom?

15 OFC. REBOLI: I'm moving backwards more into like the
16 center of the sidewalk, but in a northern direction. I'm going
17 back more towards 24th Street, mainly because he's charging
18 right at me, and I'm trying to create distance to keep from
19 being stabbed. Again, from what I just saw, I believed Officer
20 Tiffe was mortally wounded, or if not...at one point I remember
21 thinking, "Is he decapitated?" That's how hard he swung at
22 Craig. Again, I'm moving backwards, he's running at me, but I'm
23 not going in a straight line. I'm moving, I'm flanking off what
24 would have been to his right. If he's running in a straight
25 line, I would have moved off to his right. So, he had a clear
26 path to continue running, if he chose to do so.

27 INV. AULET: And did he?

28 OFC. REBOLI: No, sir. As he was running, he kept me,

1 kept the front of his person engaged with me. He was fixating on
2 me as he was charging at me and moving the knife.

3 INV. AULET: Okay. And as he is getting closer to you,
4 what did you do?

5 OFC. REBOLI: I remember at one point, I tried to reach
6 my radio to throw at him, to create something, some sort of
7 divergence. I think all I did was just knock my radio from my
8 pocket, but I was also reaching for my firearm, and was
9 producing that all in one motion. So, I was kind of doing one of
10 those, with both hands-type thing.

11 INV. AULET: At the same time?

12 OFC. REBOLI: Very close. I wouldn't say simultaneously,
13 but it was very close, kind of a left-right maneuver.

14 INV. AULET: And were you wearing a pepper spray
15 somewhere about your belt or person?

16 OFC. REBOLI: I did.

17 INV. AULET: Where was it?

18 OFC. REBOLI: That's hard to say. My pepper spray was
19 kind of all over the place. Sometimes I kept it in the little
20 side pocket.

21 INV. AULET: So, let's stop for a second. I'm going to
22 allow you to review your pictures of CSI at the station, and you
23 can review and tell me if you see where it is, if it helps you.
24 Okay. This is where they start. So, please take a moment for
25 picture A to go forward and see if it helps you.

26 OFC. REBOLI: (Officer Reboli reviews pictures.) Yeah.
27 Like I was saying, my pepper spray, I didn't have a constant
28 location where I kept it. Because of its size, sometimes I put

1 | it in my right front pant pocket, depending on the article of
2 | clothing I was wearing. If I was wearing jeans, I would have it
3 | in my back pocket. These are Dickies, it has a side pocket. So,
4 | my pepper spray was never in a consistent area.

5 | INV. AULET: But you don't see it in the picture?

6 | OFC. REBOLI: I don't see it in that picture. It could
7 | have been in my front, it could have been in my pant pocket. It
8 | could have been in my back, left pocket with where my radio is
9 | clipped to. It could have been in my right, back pocket, next to
10 | my yawara stick. It just, because of its size, I never had a
11 | consistent location for it.

12 | INV. AULET: And when you reached with your right hand
13 | back, rather than your forearm, were you possibly reaching for
14 | that yawara stick that I see in the rear right pocket?

15 | OFC. REBOLI: No.

16 | INV. AULET: You practice martial arts, do you?

17 | OFC. REBOLI: Yes.

18 | INV. AULET: And part of your training as plainclothes
19 | officers is knowing how to proficiently use this yawara stick.
20 | Right?

21 | OFC. REBOLI: The yawara stick is utilized to take a
22 | combative subject that does not have a weapon.

23 | INV. AULET: So, this particular object in your right
24 | pocket is not something you intended to grab for?

25 | OFC. REBOLI: No.

26 | INV. AULET: Okay. So, it was your firearm that you were
27 | reaching for, rather than your pepper spray, at that particular
28 | time?

1 OFC. REBOLI: With my right hand, it was my firearm. The
2 left hand was reaching for something to grab to throw at him, to
3 create some sort of diversion from his charging at me.

4 INV. AULET: And later on, you realized that your PIC
5 radio was on the ground. Right?

6 OFC. REBOLI: Later on when?

7 INV. AULET: After the discharges. You realized that
8 your radio was somewhere on the ground?

9 OFC. REBOLI: Yes.

10 INV. AULET: And that's why you said that perhaps you
11 pulled it out of the pocket where it was, and that where it may
12 have felt when you were trying to reach for something to throw
13 at him?

14 OFC. REBOLI: Again, I don't know if I knocked it from
15 its pocket as I'm reaching for the yawara stick, pepper spray. I
16 don't know if I'm reaching for the radio. I am just reaching for
17 something to throw at him as I'm backing up, with that, throw it
18 with my left hand.

19 INV. AULET: And that was to give you some time to be
20 able to step back, reach, draw your weapon, and do something
21 else?

22 OFC. REBOLI: Absolutely. To create some sort of
23 diversions from him charging at me.

24 INV. AULET: Okay. And as you did this, what were you
25 able to accomplish?

26 OFC. REBOLI: The only thing I essentially accomplished
27 was my radio falling from my person onto the sidewalk.

28 INV. AULET: But did you also draw your weapon at that

1 point?

2 OFC. REBOLI: Yes.

3 INV. AULET: Okay. And did you step further back as he

4 was approaching you?

5 OFC. REBOLI: I don't recall.

6 INV. AULET: What do you remember once you were able to

7 reach for your weapon?

8 OFC. REBOLI: It seems in slow motion, but the reality is

9 everything was moving all at once. There was no static one-step,

10 two-step, this, that. In my head, it's very slow motion. It's,

11 the gun is being removed. I'm yelling at him to either drop the

12 knife, "Police, drop the knife." Something to that effect, and

13 I'm keying on the knife that's still moving. So, as I'm pulling

14 the gun out, I may have taken another step back, I don't recall,

15 but I remember getting in a position to produce the firearm

16 directly on the suspect.

17 INV. AULET: Do you know if it was a [draw hip], or did

18 you actually position in front of you, holding it with both of

19 your hands so that he could see that you had a weapon pointing

20 at him?

21 OFC. REBOLI: I remember drawing the gun and coming into

22 a two-handed position, with the gun out in front of me, with

23 both hands.

24 INV. AULET: And did you see any reaction from him after

25 that?

26 OFC. REBOLI: No discernable reaction, no.

27 INV. AULET: So, what did he do that you could see?

28 OFC. REBOLI: Again, as he's keeping me in front of him,

1 | so like if you're me and I'm him, and instead of running past,
2 | towards 24th Street, he's turning his body with the knife in-
3 | between us, and now he's turning, he's canted in a way. He's not
4 | facing me; the majority of his body is facing me. I described it
5 | as like a boxer stance. One hand is out front, the other hand is
6 | back, but the other hand is controlling the knife. And he's
7 | moving, he's turned in a way almost like he's turning to go out,
8 | back onto the street.

9 | INV. AULET: To the left?

10 | OFC. REBOLI: He's turning like in a circular.

11 | INV. AULET: Towards his left?

12 | OFC. REBOLI: Towards his right. He's turned his entire
13 | body. As he's running, he's now turned this way, do you see what
14 | I'm saying?

15 | INV. AULET: Towards his right.

16 | OFC. REBOLI: Towards his right.

17 | INV. AULET: And that would be facing you?

18 | OFC. REBOLI: Past me. Again, he was never shoulder to
19 | shoulder, hip to hip. He was turning his person, probably more
20 | towards where Officer Tiffe would be. But I'm, I don't know,
21 | five, six feet from him, and he's flipping the knife back and
22 | forth, and then he has the knife... I don't believe it ever like
23 | ever stops, but I definitely remember the knife being about his
24 | shoulder height.

25 | INV. AULET: So, if I, just a point of clarification.

26 | So, you're saying that first he was facing north when he
27 | initially turned and saw you, moved towards you, but then he
28 | turned to his right, turning, facing southbound, towards where

1 Officer Tiffe was?

2 OFC. REBOLI: Yes.

3 INV. AULET: And so, that means that he actually was

4 moving backwards now?

5 OFC. REBOLI: No, sir. His momentum stops running

6 northbound, but his body is turning around.

7 INV. AULET: So, did he stop?

8 OFC. REBOLI: He stopped his forward motion, but his body

9 never stopped, he simply was turning.

10 INV. AULET: But he was turning?

11 OFC. REBOLI: Yes.

12 INV. AULET: Okay. And when he stopped to turn, did he

13 then move in what direction?

14 OFC. REBOLI: As he's maneuvering, as he's moving, is

15 when I'm giving the order, and producing the weapon in front of

16 me. It looked like he was looking at me, and then again, in my

17 mind, it seems kind of distinctive, like he did this and then

18 this and then this, but it was all in one motion. He was looking

19 at me, I remember his head turning to where, I think, Officer

20 Tiffe is on the ground, and then he turned over, looking over

21 his right shoulder, but looking out onto the street, again,

22 where I believe the original victim is somewhere.

23 INV. AULET: Which you didn't know where he had gone?

24 OFC. REBOLI: Correct.

25 INV. AULET: And that's why you believed that he was

26 looking at, thinking of going back towards [REDACTED]?

27 OFC. REBOLI: Yes. I knew the initial victim was in no

28 capacity to run away. I knew he was in the general area. Again,

1 I couldn't see him from my view point.

2 INV. AULET: Is that because you are not looking for
3 him, but your focus was on that person with the knife in front
4 of you?

5 OFC. REBOLI: Exactly, yes.

6 INV. AULET: Okay. So, at that point that you see
7 Amilcar Perez-Lopez turned and did that look toward the street,
8 were you committed to discharge the weapon, based on what had
9 already occurred?

10 OFC. REBOLI: I believe I was already, I was still in the
11 process of giving the order. Again, it's all kind of
12 simultaneously. I'm still giving the, "Drop the knife," maybe a
13 second something. But his action was as he was looking to the
14 right, he looked at me and was raising the knife. The knife went
15 from approximately shoulder to, I don't know if it went over his
16 head, but it went up to his eye level.

17 INV. AULET: Even after he had seen you with your weapon
18 right in front of yourself?

19 OFC. REBOLI: Yes.

20 INV. AULET: Okay. Did you yell again at him?

21 OFC. REBOLI: No. I took the raising of the knife, my
22 extremely close proximity to him, as an immediate threat to my
23 life, or he was going to continue to turn and charge at where
24 [REDACTED] was, and trying, and continuing to harm the victim.

25 INV. AULET: Did you discharge at that point?

26 OFC. REBOLI: Yes.

27 INV. AULET: Do you recall if you retracted your weapon,
28 once you saw him raising the knife as you described?

1 OFC. REBOLI: I don't recall.

2 INV. AULET: Or lower your weapon?

3 OFC. REBOLI: No, sir. I recall just having it out and

4 just thinking in my head, "I have to shoot this guy."

5 INV. AULET: I ask because there were several rounds

6 that ended up on the house across the street. I know you looked,

7 but you didn't see any property damage, but there were some. I'm

8 questioning whether, based on what was occurring in front of you

9 and the proximity, whether your first rounds were while you were

10 moving away from Amilcar, or lowering your weapon, that may have

11 discharged and not hit him initially.

12 OFC. REBOLI: I don't know where the rounds ended up. I

13 believe, I've been told that one round ended across the street

14 in the building.

15 INV. AULET: There were two. But what I'm asking is, if

16 your recollection is whether you moved your hand as you saw him

17 raising the knife again?

18 OFC. REBOLI: I don't recall any dramatic movements of my

19 person while firing. Again, the suspect is considerable smaller

20 than me and he's moving, and given all of that going on, I don't

21 know if the rounds were through and through, I don't know if

22 they missed. I have no idea as to what happened to those other

23 two rounds.

24 INV. AULET: Is it your recollection that he was facing

25 you when you first discharged your first round?

26 OFC. REBOLI: Like I just described, he never stopped

27 moving. He was canted in a position to where he was, he was

28 moving at all times, and as he was raising the knife, even his

1 body was moving. I don't know if he was getting ready to lunge
2 at me with the knife. I don't know if he was beginning to run at
3 Officer Tiffe. I don't know if he's getting ready to run at
4 [REDACTED]. All I know is his body's moving and he's raising
5 the knife at me. So, no, he was not facing shoulder to shoulder,
6 but he was canted. I'd say I saw about 50 percent of his body.

7 INV. AULET: Okay. And what happened then?

8 OFC. REBOLI: I distinctly heard the first round, and a
9 lot of things kind of went through my mind. One is, I don't know
10 if I was expecting more of a Hollywood kind of reaction, based
11 on the caliber of the firearm we carry and his diminutive size.
12 I was expecting more of a reaction. It seemed all he did was
13 flinch and he continued to turn away from me, using his body to
14 go out away from me onto the street.

15 INV. AULET: In-between the two cars?

16 OFC. REBOLI: Right.

17 INV. AULET: So, it's your specific recollection that
18 your first discharges were while he was still on the sidewalk?

19 OFC. REBOLI: Yes.

20 INV. AULET: Not moving down onto the street?

21 OFC. REBOLI: He was moving the entire time.

22 INV. AULET: Okay. And after you saw him moving in that
23 direction, what happened?

24 OFC. REBOLI: I still saw the knife.

25 INV. AULET: For the record, you're lifting your right
26 arm above your chest.

27 OFC. REBOLI: Yeah.

28 INV. AULET: Is that what you saw him doing with the

1 knife that you saw?

2 OFC. REBOLI: Yes. When he raised it and he turned, I
3 continued to see the knife.

4 INV. AULET: And is that why you said that you didn't
5 know whether you expected a Hollywood reaction? Meaning a higher
6 impact from the rounds that you had just discharged towards his
7 direction?

8 OFC. REBOLI: Yes.

9 INV. AULET: But you don't know whether you had impacted
10 him or not at that point. Right?

11 OFC. REBOLI: Correct.

12 INV. AULET: Okay.

13 OFC. REBOLI: Like I said, it seemed like he just
14 flinched. So, I continued to fire because he was still holding
15 the knife. I don't know how many times I fired. To this day, I
16 don't know how many times I fired. He took one step, which would
17 be from the curb onto the street, and he may have taken a second
18 step. Again, I'm still, it seems like slow motion, but fractions
19 of seconds are going by. I remember kind of taking, in my head
20 it seemed like a long pause, but again, a fraction of a second
21 to reacquire the target, and that's when I hear Officer Tiffe's
22 firearm go off. It kind of startled me, because I remember
23 thinking, "Holy crap, Craig's alive, one. And two, he's able to
24 stay like in the fight-type thing." And after I kind of flinched
25 from hearing the firearm, that's when I'm still acquiring the
26 suspect. I don't know if I fired directly before or directly
27 after; I don't recall because it was in such rapid succession.
28 But I remember after kind of flinching, seeing the suspect just

1 collapse.

2 INV. AULET: So, at one point in time, you used the
3 word, reacquire. Meaning you specifically recall being able to
4 position both of your hands on your firearm to hold your...

5 OFC. REBOLI: I don't think from the time I pulled the
6 trigger that I didn't have both hands on the firearm.

7 INV. AULET: Okay.

8 OFC. REBOLI: And again, he's much smaller; he's moving.
9 Once he steps off the curb, he's stepping down. So, I'm having
10 to adjust my line of sight, line of fire on him as he's moving,
11 and so I'm also dealing with the recoil of the weapon.

12 INV. AULET: And is that the time you saw him drop to
13 the ground, Amilcar?

14 OFC. REBOLI: It was within a fraction of a second after
15 I recognized Officer Tiffe's gun.

16 INV. AULET: And could you see how, in what position he
17 fell?

18 OFC. REBOLI: He fell, he fell face forward, but onto his
19 right arm, his right shoulder, but kind of slid on the front of
20 the bumper of the car. He kind of, I don't know if he fell and
21 hit the front and then slid off of it, or if it's just his
22 momentum is carrying him to the front of the car. But he fell
23 more into the lane of traffic, and I saw as he fell, the knife
24 just fall from his hand. And then he fell with his left hand
25 out, and his right hand kind of positioned underneath him, in
26 this general area of his torso.

27 INV. AULET: And throughout all these few seconds, I
28 gather, because it was rather quick, was it?

1 OFC. REBOLI: Yes, sir.

2 INV. AULET: Could you now remember in what hand was it
3 that he had his knife?

4 OFC. REBOLI: I distinctly remember the knife being in
5 his right hand.

6 INV. AULET: Okay. And throughout this event, did you
7 hear Officer Tiffe issuing any commands on the sidewalk?

8 OFC. REBOLI: I don't recall hearing Officer Tiffe at
9 all.

10 INV. AULET: And since both subjects were reported
11 yelling at each other in Spanish, did you believe Amilcar
12 understood your command?

13 OFC. REBOLI: I don't recall seeing the suspect's face
14 really at all. I was keying so much on the knife, I don't recall
15 if he was looking at me. I don't recall if he recognized me or
16 was looking through me. My concern was with the knife that he
17 was slashing in front of me.

18 INV. AULET: So, you were aware that this call involved
19 one of the parties had a knife and had been chasing the other.
20 Right?

21 OFC. REBOLI: Yes, sir.

22 INV. AULET: And you had not identified who had the
23 knife at the time you arrived. Correct?

24 OFC. REBOLI: Correct.

25 INV. AULET: So what was your rationale to go hands-on
26 with someone who might be the one who had the knife in his hand?

27 OFC. REBOLI: Initially, with the victim?

28 INV. AULET: Even when you saw your partner fighting

1 with the subject, or struggling with the subject?

2 OFC. REBOLI: Well, like I said earlier, when I
3 approached the victim and I asked to see his hands, he produced
4 his hands in an open palm, and I knew he didn't have anything in
5 his hands. That's why I grabbed him, so I could control his body
6 movement.

7 INV. AULET: But you had established then that he didn't
8 have a knife. Right?

9 OFC. REBOLI: He didn't have a knife in his hands. It
10 doesn't mean he didn't have a knife in his pocket, in his
11 jacket, anywhere else somebody can conceal a knife.

12 INV. AULET: But somehow, you let him go.

13 OFC. REBOLI: When I saw my partner struggling with
14 another person, yes, I disengaged from that subject.

15 INV. AULET: But you still believed in the back of your
16 mind that perhaps [REDACTED], who had just released, might be the
17 one who had a knife?

18 OFC. REBOLI: No. I believed he was the victim, just
19 based upon his entire demeanor. He just, again, there was no
20 tension in his body. He just was complete; he offered up no
21 resistance to me.

22 INV. AULET: So, your response towards helping your
23 partner was more because he was involved in a struggle, rather
24 than thinking, "Maybe I should be cautious. This other guy might
25 be the one who had the knife"?

26 OFC. REBOLI: I was running to protect my partner, yes.

27 INV. AULET: Okay. Did you hear Officer Tiffe yell
28 anything before he fired his weapon?

1 OFC. REBOLI: Again, I don't recall hearing Officer Tiffe
2 at all, from the time I got out of the vehicle.

3 INV. AULET: But you yelled your command to Amilcar
4 before firing at him, did you?

5 OFC. REBOLI: Yes.

6 INV. AULET: I'm going to provide you a few options.
7 Where would you say was Amilcar Perez during your first two
8 rounds? On the sidewalk? Three feet from you? On the curb? By
9 the front bumper of the blue Nissan? Or on the street between
10 the two cars?

11 OFC. REBOLI: Again, I only recall the one round. I don't
12 recall how many times I pulled the trigger after that. But the
13 first time I pulled the trigger, he was within five feet of me,
14 on the sidewalk, but very close to the curb.

15 INV. AULET: All throughout this incident, where was the
16 last place that you saw [REDACTED] at?

17 OFC. REBOLI: Again, the last recollection before the
18 shooting of the victim [REDACTED], was when I had him in my arms,
19 in the street, probably six to eight feet prior to the sidewalk.

20 INV. AULET: But you didn't see him after that?

21 OFC. REBOLI: I didn't see him or notice him until I had
22 come back across the street, after the shooting.

23 INV. AULET: Who was closer to you, Amilcar Perez or
24 Officer Tiffe, when you both discharged your weapons?

25 OFC. REBOLI: I don't have a clear recollection of where
26 Officer Tiffe is. I know he's to my general left.

27 INV. AULET: And when you were discharging and your
28 partner was to your left, did you see anyone else, other than

1 Officer Tiffe on the sidewalk?

2 OFC. REBOLI: As I'm discharging my firearm?

3 INV. AULET: Or shortly thereafter?

4 OFC. REBOLI: I only noticed Officer Tiffe, probably a
5 few seconds after the suspect fell to the ground, and that was
6 just in a glance to see if he was on his feet or if he was
7 shooting from the pavement.

8 INV. AULET: So, you didn't see anyone else on the
9 sidewalk?

10 OFC. REBOLI: I don't recall seeing anyone else, no.

11 INV. AULET: And what did you do once Amilcar Perez
12 dropped to the ground?

13 OFC. REBOLI: It seemed to take forever, but the
14 realization of just having fired my firearm at another human
15 being, I recall hearing another patrol car engine revving. I
16 remember kind of looking around and not seeing any patrol car,
17 and thinking, "Where the hell is this car coming from? Is it
18 coming from across the city?" But it seemed like I heard the
19 sound of a patrol car, which is very distinctive to a police
20 officer. It seemed to take forever for a car to come up. I
21 remember trying to holster my firearm, as well as looking at the
22 suspect, and also seeing the knife still moving, kind of
23 shimmering in the street.

24 I remember thinking I have to check if, you know, a million
25 thoughts. I'm trying to holster, it's not working. I'm thinking,
26 "Do I need, do I get Craig? Do I render it to him? Is he hurt?
27 Is he alive? This and that." The gun's not going in, and I
28 remember still hearing the patrol car engine, thinking again,

1 "Where the hell are you guys at?"

2 And at this time, I hear a woman's voice, almost as if
3 she's standing right next to me, screaming something to the
4 effect, "Uh, my God. Someone's been shot. Someone's been shot
5 over here." And kind of thinking, not only did I just shoot
6 another human being who was trying to kill me as well as my
7 partner and another person, who I have no idea who they are, but
8 now I'm thinking, "Holy crap. Somebody across the street's been
9 hit." Also, all the while dealing with the gun not going in the
10 holster. So, I remember distinctly looking at my firearm and
11 using both thumbs, telling myself, "Use both thumbs, decock it,
12 watch it, and holster, and then go do whatever I need to do."

13 I have a clear recollection of handcuffing the suspect. I
14 don't recall when I handcuffed him. I don't know if it was
15 before I walked across the street to check. I don't know if it
16 was after I came back, but I have a clear recollection of
17 thinking to myself, "The knife is still close to him. His left
18 hand is out. I don't know if he's alive." I remember having to
19 remove, sweep-like the Academy, sweep the arm out from
20 underneath him. I remember the way his right arm fell against
21 the back of his body limpless. I remember handcuffing him and
22 looking at my hands, and looking down at my clothes, and seeing
23 how much, I now have blood all over me.

24 Again, I have a clear recollection of walking across the
25 street and looking at the house, looking for broken windows. I
26 remember looking up and down the sidewalk, praying that I don't
27 see another human being on the ground. I remember looking at a
28 couple of parked cars, looking for broken out windows, something

1 to that effect. Not seeing anything, not seeing anybody. And
2 then I remember turning and thinking to myself, "Did I just
3 imagine hearing that voice or did someone really just scream
4 that?"

5 I remember walking across the street again and seeing
6 Officer Cabillo with the person I recognized as the victim. I
7 see them talking. At this point...

8 INV. AULET: Where about?

9 OFC. REBOLI: They're at the rear of the blue vehicle.

10 INV. AULET: On the ground?

11 OFC. REBOLI: He is, he's sitting on the ground, like up
12 against like the rear tire of the vehicle, and Officer Cabillo
13 is leaning down next to him. I see them talking. I have tunnel
14 vision still.

15 INV. AULET: Could you discern if this person was
16 [REDACTED]?

17 OFC. REBOLI: At the time, I just saw Cabillo talking to
18 somebody, and I remember thinking, "Uh, I wonder if that's the
19 other guy?" But I was walking, because I saw Craig, and I
20 immediately checked Craig. I remember asking him, "Where are you
21 hurt?" and he just kind of stood there. And I remember
22 physically using my hands and grabbed him, and like rubbed my
23 hands on his shoulder, on his back, on his neck, and then
24 looking at my hands to see if he has any blood, but then that's
25 when I realized that's the suspect's blood. And I'm looking at
26 Craig and not seeing anything.

27 INV. AULET: And when you specifically recall
28 handcuffing the deceased behind his back, did you have to turn

1 him over in order to do that?

2 OFC. REBOLI: I did not turn him over, no, he was still
3 facing down. I had to sweep his arm from underneath him, and
4 then handcuff him.

5 INV. AULET: And before you went across the street, did
6 you stand up and walk towards the middle of the street first?

7 OFC. REBOLI: All those recollections I just said, I
8 don't have a clear recollection of the order in which I did
9 those things.

10 INV. AULET: This is what you described as everything
11 went into slow motion?

12 OFC. REBOLI: Everything went in slow motion. I don't
13 recall handcuffing him before I went over across the street. I
14 don't recall, I just recall those incidents. I don't recall the
15 chronological order of them.

16 INV. AULET: Why did you tell Homicide sergeants that
17 you believed that if Amilcar had made it onto the street towards
18 [REDACTED] that [REDACTED] would have been attacked, when you did not
19 know where [REDACTED] was when you shot your weapon?

20 OFC. REBOLI: I knew the original victim, [REDACTED], like I
21 said earlier, he was in no position to run. He was in no
22 position to go anywhere.

23 INV. AULET: I see.

24 OFC. REBOLI: I knew he was in a very close proximity to
25 myself, to the suspect.

26 INV. AULET: You didn't use it this time, but I recall
27 you using the word, exhausted. Is that an accurate depiction of
28 how he felt on your grasp when you initially grabbed him and

1 began to escort him?

2 OFC. REBOLI: Again, when I grabbed him, there was, it
3 was as if I was holding up his entire person. He had almost no,
4 he had no energy to stand or run or do anything on his own. He,
5 his chest, he was breathing quite heavily, but I didn't notice
6 any sweat. So, I don't know if he was breathing heavy because of
7 shock, because of fear, because of even running. I don't know,
8 but he was breathing quite heavy, and he was just limp in my
9 hand. Like putty in my hands, I guess would be a good way to
10 describe him.

11 INV. AULET: And the female voice that you initially
12 heard, could you later discern whether this was Officer
13 Domonique Ellis?

14 OFC. REBOLI: I don't recall who it was. Again, at the
15 time, I was even questioning if I even heard someone screaming,
16 or if I was imagining it.

17 INV. AULET: And after you handcuffed the deceased's
18 body on the ground, did you yell something at your partner?

19 OFC. REBOLI: Again, I don't know the, I don't recall the
20 chronological order.

21 INV. AULET: But you did ask him to put it out on the
22 air?

23 OFC. REBOLI: I remember telling Craig at some point,
24 "Put this out." And I remember looking at the street signs or
25 the street numbers on the houses.

26 INV. AULET: Yeah.

27 OFC. REBOLI: But again, I don't know if it was before I
28 handcuffed him, if it was after, I don't recall.

1 INV. AULET: And I understand what you're saying, what
2 you're going at that point in time, what you're going through.
3 Was that around the time that you're yelling at your partner to
4 put it out, that you had discovered that you didn't have the PIC
5 radio on you, because you couldn't do it yourself?

6 OFC. REBOLI: Possibly. Again, I don't have a clear
7 recollection of any of those chronological events.

8 INV. AULET: Do you recall trying to get on the air
9 yourself?

10 OFC. REBOLI: I don't, I remember seeing Craig with his
11 hand, with his mic, but not hearing anything. But to be honest
12 with you, I wouldn't be shocked if my voice is on the recording
13 or if wasn't on the recording. I don't have any clear
14 recollection of being on the radio.

15 INV. AULET: Did you feel an obligation to get on the
16 air and put it out that shots had been fired, because you had
17 discharged your weapon?

18 OFC. REBOLI: I knew it had to be broadcast, because now
19 we have an entirely different event from the initial call for
20 service. Again, I don't recall if I was the one that broadcast
21 the shots fired or if it was somebody else.

22 INV. AULET: How many seconds do you estimate elapsed
23 from the time you approached Amilcar to the time that you
24 discharged your firearm?

25 OFC. REBOLI: I couldn't, I'd be guessing.

26 INV. AULET: But I don't want you to guess, and neither
27 does your counselor. Was it a few seconds?

28 ATTY FURST: Well, if you don't remember, you don't

1 remember.

2 OFC. REBOLI: Yeah. I have no definitive recollection of
3 how many, how long it took.

4 INV. AULET: Well, shortly after the discharges of both
5 of you, did you hear Dominique Ellis and Joshua Cabillo
6 broadcast, "Shots fired," over the air?

7 OFC. REBOLI: I have no clear recollection of either of
8 them broadcasting anything.

9 INV. AULET: Did you hear Officer Ellis also saying,
10 "Blue on blue," when you were with the deceased?

11 OFC. REBOLI: No, sir. I don't have any clear
12 recollection of anything that was being broadcasted or yelled.

13 INV. AULET: How about Officer Cabillo looking at both
14 of you standing over the deceased, and asking, "What happened?"

15 OFC. REBOLI: I don't recall having any conversation with
16 Officer Cabillo. The only time I realized he was there was when
17 he was speaking with the initial victim.

18 INV. AULET: Well, he recalled both of you standing over
19 the deceased and he asked that, but neither of you responded.
20 You don't have any recollection of that?

21 OFC. REBOLI: Again, the only clear recollection I have
22 of Officer Cabillo is him speaking to the victim at the back of
23 the blue vehicle.

24 INV. AULET: And since you were across the street on the
25 west sidewalk of Folsom Street, could you hear what he was
26 saying?

27 OFC. REBOLI: Again, I have no clear recollection of
28 anything Officer Cabillo was saying or doing, other than

1 speaking to the initial victim at the base, or at the back of
2 the vehicle.

3 INV. AULET: Did you see an officer giving CPR to the
4 deceased?

5 OFC. REBOLI: I saw Officer Obidi tending to the suspect,
6 and he was speaking to the suspect, like he was giving
7 instructions of what he was going to be doing. I don't recall,
8 it looked like he was performing CPR, but I can't recall
9 exactly. But I do remember him near the suspect and speaking to
10 him.

11 INV. AULET: Like kneeling?

12 OFC. REBOLI: Yeah. I believe he was on both his knees
13 and was over the suspect.

14 INV. AULET: And where were you? In the middle of the
15 street or on the west sidewalk at that point?

16 OFC. REBOLI: I have no clear recollection of where I was
17 when I saw that.

18 INV. AULET: But you were west of the body?

19 OFC. REBOLI: I'll say it again. I have no clear
20 recollection of where I was when I saw Officer Obidi doing that.

21 INV. AULET: You've heard the comments in the community
22 and the complaint, and whatever's been written about this. Did
23 Amilcar Perez drop the knife before your discharges?

24 OFC. REBOLI: No, sir.

25 INV. AULET: Where did you see the knife in relation to
26 the body of the deceased?

27 OFC. REBOLI: Again, like I said, it was approximately
28 three feet away from where the suspect was laying.

1 INV. AULET: Did you see Officer Michael Mayo near
2 Officer Obidi when you saw Officer Obidi applying chest
3 compressions on the deceased?
4 OFC. REBOLI: I have no clear recollection of seeing
5 Officer Mayo at the scene.
6 INV. AULET: But you know who he is?
7 OFC. REBOLI: I do know who he is, yes.
8 INV. AULET: And at no time, you saw him on-scene?
9 OFC. REBOLI: Again, I have no clear definitive
10 recollection of Officer Mayo being at the scene.
11 INV. AULET: How many officers would you say you saw
12 on-scene, before you saw Sergeant Anthony Montoya?
13 OFC. REBOLI: I have no clear recollection of the number
14 of officers, either at the beginning of the scene or at the
15 moment we were removed from it.
16 INV. AULET: When did you see Sergeant Anthony Montoya
17 on-scene? What was happening when you saw him first?
18 OFC. REBOLI: Sergeant Montoya did the Public Safety
19 questions. Asked me if I was involved in the shooting, asked me
20 if I was hurt, the basic questions, and after that, he walked
21 away. I don't know if he went to go ask Officer Tiffe the same
22 questions, but my interaction with Sergeant Montoya was very
23 brief.
24 INV. AULET: But you don't remember where you were when
25 this occurred? In other words, where did he take your Public
26 Safety statement?
27 OFC. REBOLI: It was at the scene, but I don't recall if
28 it was in the street or if it was on the sidewalk.

1 INV. AULET: When Sergeant Montoya asked you in what
2 direction did you shot, what did you say, and how did you
3 simulate that direction?

4 OFC. REBOLI: I don't have any clear recollection of my
5 direct answers to Sergeant Montoya?

6 INV. AULET: Still? Not even the location where that was
7 made?

8 OFC. REBOLI: No, sir.

9 INV. AULET: Do you remember saying that you went across
10 the street after hearing someone say, "Someone was shot over
11 there"? Meaning the west sidewalk where you said that you looked
12 at a couple of cars and looked on the sidewalk and saw no
13 property damage. Correct?

14 OFC. REBOLI: Correct.

15 INV. AULET: Do you remember going back to the east
16 sidewalk, where your PIC radio had fallen, and you had a
17 conversation with your partner?

18 OFC. REBOLI: Like I said earlier, I remember that. I
19 don't remember the chronological order of whether I talked to
20 Officer Tiffe before I went across the street or if it was after
21 I came back.

22 INV. AULET: And that doesn't help you remember where
23 you were when Sergeant Montoya asked you those Public Safety
24 statement questions?

25 OFC. REBOLI: No, sir.

26 INV. AULET: Where did your radio actually fall?

27 OFC. REBOLI: I have no idea where it fell. It must have
28 been on the sidewalk, but I don't know. I don't know if I picked

1 it up. I don't recall if Officer Tiffe picked it up and handed
2 it to me. I have no clear recollection of when I got my radio
3 back.

4 INV. AULET: Or how?

5 OFC. REBOLI: Or how, yes.

6 INV. AULET: So, you don't remember going back to the
7 east sidewalk to pick it up yourself, and conversing with your
8 partner there?

9 OFC. REBOLI: Again, I remember walking back across the
10 street, but I don't recall if that was, if I spoke to Officer
11 Tiffe at that moment, or if I spoke to him before I walked
12 across the street.

13 INV. AULET: Do you recall seeing about 30-some members
14 on this street, on or around the crime scene, before you left
15 the station?

16 OFC. REBOLI: Thirty police officers?

17 INV. AULET: Or more, yes.

18 OFC. REBOLI: I don't. I recall seeing several officers.
19 Who they were, I don't recall.

20 INV. AULET: All right. Did you see Sergeant Thomas Fong
21 on-scene?

22 OFC. REBOLI: I don't recall seeing him, no.

23 INV. AULET: He didn't approach you?

24 OFC. REBOLI: I have no clear recollection of Sergeant
25 Fong.

26 INV. AULET: How about Lieutenant Mark Im?

27 OFC. REBOLI: I don't have any recollection of having any
28 interaction with Lieutenant Im.

1 INV. AULET: On-scene?

2 OFC. REBOLI: On-scene or even at the station. So, no.

3 INV. AULET: Okay. How about Captain Daniel Perea?

4 OFC. REBOLI: No, sir. I don't recall seeing him at the

5 scene.

6 INV. AULET: And you never heard him speaking with

7 [REDACTED] in Spanish while you were still on-scene?

8 OFC. REBOLI: No, sir. I don't recall.

9 INV. AULET: Okay. And he never approached you to find

10 out if you were okay, Captain Perea?

11 OFC. REBOLI: I don't have a clear recollection of that.

12 No, sir.

13 INV. AULET: This diagram in front of you, that includes

14 the east sidewalk of Folsom Street, two parked cars on the east

15 sidewalk of Folsom Street, two trees with their foliages, and

16 square sandboxes around them. What happened to your unmarked,

17 silver Crown Victoria?

18 OFC. REBOLI: I'm sorry? From this diagram?

19 INV. AULET: No. This is just a diagram I'm offering to

20 you as I proceed. But do you know what happened with your

21 unmarked Crown Victoria?

22 OFC. REBOLI: I have no idea what happened with this, the

23 plainclothes car, no.

24 INV. AULET: Was it left double-parked in the northbound

25 direction, somewhere behind the blue Nissan?

26 OFC. REBOLI: From the time I exited the vehicle, I have

27 no clear recollection as to what happened to it after that.

28 INV. AULET: Officer Silvestri transported you from the

1 scene back to Mission Station in a marked car that was
2 identified as BW051. Do you know if Officer Silvestri
3 transported you in a marked vehicle to the station?

4 OFC. REBOLI: I don't recall who transported me back to
5 the station. I have a vague recollection of Officer Silvestri,
6 only because I remember him being at Mission Station for the
7 time being, but I can't recall that he was the one that
8 transported me back or not.

9 INV. AULET: Were you still in a daze, when even, while
10 you were transported to the station?

11 OFC. REBOLI: I must have been, because I don't have a
12 clear recollection of who drove me. I remember being driven
13 back.

14 INV. AULET: Yeah.

15 OFC. REBOLI: And I remember seeing how much blood I had
16 on me, as well as my clothes. I remember requesting that they
17 kind of hurry this up, I wanted to wash my hands. I wanted to
18 get out of the clothes.

19 INV. AULET: So, you remember specifically Officer
20 Silvestri driving slowly to the station?

21 OFC. REBOLI: Again, I'm going to say this again. I do
22 not recall who drove me back. I remember being driven back. I
23 remember driven back and I remember making that request to hurry
24 this up a bit.

25 INV. AULET: To the one driving you back?

26 OFC. REBOLI: Correct.

27 INV. AULET: Okay. And that's because you wanted to wash
28 your hands, the blood out of your hands?

1 OFC. REBOLI: Correct.

2 INV. AULET: Okay. Officer Lewin-Tankel transported your
3 partner, Officer Tiffe from Folsom Street back to Mission
4 Station to sequester both of you. Did you see when Officer
5 Lewin-Tankel proceeded to transport your partner into a patrol
6 car?

7 OFC. REBOLI: I have no clear recollection of who
8 transported Officer Tiffe, nor at this point, do I have a clear
9 recollection of who that officer is.

10 INV. AULET: And were you separated by Sergeant Montoya
11 or anyone on Folsom Street, when your public statements taken
12 and thereafter?

13 OFC. REBOLI: Yes.

14 INV. AULET: And do you have any recollection of how was
15 involved in doing that?

16 OFC. REBOLI: No.

17 INV. AULET: Did you hear the sergeant that gave those
18 officers directives to transport both of you back to the
19 station?

20 OFC. REBOLI: I had no idea which sergeant ordered that.

21 INV. AULET: You couldn't tell me whether it was
22 Sergeant Montoya or Sergeant Petuya?

23 OFC. REBOLI: I have no idea who.

24 INV. AULET: Did you see Sergeant Petuya on-scene?

25 OFC. REBOLI: I have no recollection of Sergeant Petuya
26 being on-scene.

27 INV. AULET: Do you know in which vehicle was Officer
28 Tiffe transported to the station?

1 OFC. REBOLI: No.

2 INV. AULET: Do you know or did you hear whether it was
3 in your same unmarked patrol vehicle?

4 OFC. REBOLI: I have no clear recollection of how Officer
5 Tiffe arrived back at Mission Station.

6 INV. AULET: Did Officer Silvestri keep you from coming
7 in contact with any witness or officers until CSI Officer
8 Nibungco arrived with Officer Shakur to photograph you?

9 OFC. REBOLI: I don't have any clear recollection of
10 having interaction with Officer Silvestri. There was another
11 officer I never met before, and I've only seen once or twice
12 since. I don't recall what that officer's name was. It was an
13 officer not familiar to myself. That was the officer that was
14 tasked with kind of being near me, but I don't have any clear
15 recollection of Officer Silvestri being around me that night.

16 INV. AULET: So, you were sequestered by some officer
17 that is not from Mission Station?

18 OFC. REBOLI: I believe so, yes.

19 INV. AULET: And it was not the same officer who
20 photographed you?

21 OFC. REBOLI: No. The officer who photographed me was
22 from CSI.

23 INV. AULET: Right. And did you see that photographer
24 officer arrive with another officer?

25 OFC. REBOLI: No, sir.

26 INV. AULET: Okay. And the person who was with you was
27 in uniform?

28 OFC. REBOLI: They were in, I believe, BDUs.

1 INV. AULET: And were you sequestered in the sergeant's
2 office?
3 OFC. REBOLI: No.
4 INV. AULET: Where were you sequestered?
5 OFC. REBOLI: At first, I was in the, what is the line-up
6 room, which is where the...
7 INV. AULET: On the first floor?
8 OFC. REBOLI: On the first floor. Then I was moved
9 upstairs to the break room, and it was just myself and that
10 other officer for the majority of the time.
11 INV. AULET: The same officer?
12 OFC. REBOLI: Yes.
13 INV. AULET: And do you know Sergeant Anthony Ravano
14 from Homicide Detail?
15 OFC. REBOLI: I do.
16 INV. AULET: Did you hear Sergeant Ravano or either of
17 the CSI officers talking about your unmarked vehicle while all
18 of you were in the station?
19 OFC. REBOLI: I don't recall seeing Sergeant Ravano at
20 the scene or at the station.
21 INV. AULET: Really? Is it your recollection that you
22 remained at Mission Station past three in the morning?
23 OFC. REBOLI: I know it was late, but I have no idea how
24 late I was there to.
25 INV. AULET: Okay. I'm going back to the scene of the
26 crime to ask you some additional questions. All right?
27 OFC. REBOLI: The scene of the incident?
28 INV. AULET: It was a crime scene. Did you...strike that.

1 Was there an officer standing next to the knife when you and
2 your partner were still on the scene?

3 OFC. REBOLI: I have no clear recollection of any officer
4 standing next to it, the knife, no.

5 INV. AULET: Did you, at any time, move the knife?

6 OFC. REBOLI: No.

7 INV. AULET: Did you see anyone moving the knife?

8 OFC. REBOLI: No.

9 INV. AULET: Did anyone say in your presence that the
10 knife had been moved?

11 OFC. REBOLI: No.

12 INV. AULET: Did you see anyone other than yourself and
13 Officer Obidi touching the body of the deceased?

14 OFC. REBOLI: Did I?

15 INV. AULET: Uh-huh.

16 OFC. REBOLI: No, sir.

17 INV. AULET: Did you see a medic on-scene with the
18 deceased?

19 OFC. REBOLI: No.

20 INV. AULET: Did anyone tell you or you heard someone
21 say that the deceased was turned over for any reason?

22 OFC. REBOLI: I believe, when Officer Obidi was providing
23 CPR, he had turned the suspect over onto his back.

24 INV. AULET: But you didn't hear anyone else talking
25 about that, this is your observation. Correct?

26 OFC. REBOLI: Correct.

27 INV. AULET: And you didn't hear anyone say anything
28 about the body being turned over or moved?

1 OFC. REBOLI: To my recollection, no. I have no clear
2 recollection of that.

3 INV. AULET: Did you spot any of the cartridge casings
4 in the crime scene?

5 OFC. REBOLI: Did I spot? I don't recall. No, I don't
6 recall seeing any of the expended casings.

7 INV. AULET: Did you return to this officer involved
8 shooting crime scene?

9 OFC. REBOLI: Several hours later, yes.

10 INV. AULET: And why did you return?

11 OFC. REBOLI: We were driven out there with Homicide. I
12 believe it was Sergeant Dedet, and we did a brief walk-through,
13 and then we were transported back to Mission Station.

14 INV. AULET: Okay. And Sergeant Dedet was the only one
15 from Homicide that went with you?

16 OFC. REBOLI: He's the only person I have a recollection
17 of.

18 INV. AULET: Yeah. He's the short, Latin sergeant that
19 has retired since?

20 OFC. REBOLI: I don't know if he's retired or not.

21 INV. AULET: Yes, he was promoted and retired.

22 OFC. REBOLI: Uh, okay.

23 INV. AULET: So, do you recognize him as a Latin male?
24 Short with a thick mustache?

25 OFC. REBOLI: That sounds like sergeant, or I guess,
26 Lieutenant Dedet. I knew him as Sergeant Dedet.

27 INV. AULET: Back then, he was a sergeant. So, I heard
28 you say that you don't recall seeing or hearing Sergeant Anthony

1 Ravano, who you said you don't know, did you at least go with a
2 second sergeant from Homicide, also back to the crime scene?

3 OFC. REBOLI: Actually, I said I do know Sergeant Ravano.
4 I believe I was transported with Sergeant Dedet. I don't recall
5 how I got back to Mission Station after the walk-through, but my
6 only clear recollection is with Sergeant Dedet.

7 INV. AULET: So, you were both separated and both of you
8 went back, you and your partner, or just you?

9 OFC. REBOLI: I think it was just myself, and I think it
10 was the same officer that was shadowing me that went with me.

11 INV. AULET: Okay. And what was the purpose of returning
12 to the crime scene?

13 OFC. REBOLI: You would have to ask the Homicide
14 investigators.

15 INV. AULET: But they didn't question you while you were
16 walking... Is that...strike that. Did they refer to this walk-
17 through as a final walk-through or second walk-through?

18 OFC. REBOLI: I don't recall what they described it as.

19 INV. AULET: But they didn't have a conversation with
20 you?

21 OFC. REBOLI: They called it just a walk-through at the
22 scene.

23 INV. AULET: Yes, but did they speak with you, ask you
24 questions while you were there?

25 OFC. REBOLI: I'm sure they did, yes.

26 INV. AULET: Do you recall what they asked you?

27 OFC. REBOLI: I don't have a clear recollection of the
28 questions they were asking me.

1 INV. AULET: Were you on the east sidewalk or the west
2 sidewalk when you returned to the crime scene?

3 OFC. REBOLI: I don't have a clear recollection of being
4 at the crime scene for very long. I don't recall if we walked on
5 the sidewalk or if we walked in the middle of the street. I just
6 remember being transported back to the crime scene, and then
7 taken back to Mission Station.

8 INV. AULET: Did they ask you to have you describe to
9 them anything that happened?

10 OFC. REBOLI: Again, I don't have a clear recollection of
11 the questions that they were asking me.

12 INV. AULET: Uh-huh. Was your counselor with you when
13 they went with you there?

14 OFC. REBOLI: I believe there was an attorney, a POA
15 attorney that was with us. It was not, I don't believe it was
16 Attorney Furst.

17 INV. AULET: Okay. Counselor, do you have any questions
18 for your client?

19 ATTY FURST: I do. Okay. First, I want to ask you a
20 question about language. Okay? You have used the term, clear
21 recollection, quite a number of times during the questioning by
22 Investigator Aulet. What do you mean by that? Is that your way
23 of saying that you don't remember or are you saying that there's
24 some vague remembrances?

25 OFC. REBOLI: I don't have a clear remembrance of the
26 incidents or in the situations that he was asking me in those
27 direct questions.

28 ATTY FURST: Okay. So, forgive me for being picky, but

1 | when you say, clear remembrance, there are things that you don't
2 | remember at all. Is that correct?

3 | OFC. REBOLI: Yes, sir.

4 | ATTY FURST: All right. And so, we don't want to go over
5 | all of them, but some of those answers were really, I don't
6 | remember?

7 | OFC. REBOLI: Yes.

8 | ATTY FURST: Okay. I'm going to ask you another question
9 | about [inaudible]. Investigator Aulet referenced the issue of
10 | Spanish language on more than one occasion. Was the issue of
11 | Spanish language of any consequence during this incident to you?
12 | I mean, did you hear Spanish and not understand it? Or did you,
13 | when you said you heard the person speaking, the one that you
14 | detained or that you held onto, you're not saying that he was
15 | speaking Spanish and didn't understand it, he was speaking and
16 | you just didn't understand anything?

17 | OFC. REBOLI: Correct. I wasn't comprehending what
18 | language he was speaking or even what he was saying. I just saw
19 | and heard, saw his mouth moving and heard his voice, but I
20 | can't, I have no memory of whether it was English or Spanish.

21 | ATTY FURST: So, does the issue of Spanish play any part
22 | at all in this incident, as far as you're concerned?

23 | OFC. REBOLI: No.

24 | ATTY FURST: Okay.

25 | INV. AULET: I think your client elaborated and he
26 | described that the exhaustion or the breathing out of this man
27 | was so severe that maybe that's why he couldn't even pronounce
28 | or you could understand what he was trying to say. Is that

1 correct, Officer Reboli?

2 OFC. REBOLI: There's several possible reasons. One, he
3 was too exhausted to speak or speak up. Two, he was facing away
4 from me, and in combination of being exhausted, wasn't speaking
5 loud enough for me to hear. Or three, that this was all taking,
6 happening so quickly, and my observation of what Officer Tiffe
7 was involved in that I wasn't comprehending what he's speaking,
8 what he was saying.

9 ATTY FURST: Okay. But I want to, despite what
10 Investigator Aulet just said, the reference to Spanish on a
11 number of questions is, I want to know if that has any impact at
12 all in this situation?

13 OFC. REBOLI: No, sir.

14 ATTY FURST: Okay. I want to direct your attention to
15 the issue of pepper spray. You would discuss the fact that you
16 were reaching for or you didn't know where your pepper spray
17 was. Is that accurate?

18 OFC. REBOLI: I think it was in reference to a question
19 that Investigator Aulet was asking, a direct question.

20 ATTY FURST: Okay. So, what is the purpose of pepper
21 spray?

22 OFC. REBOLI: Pepper spray is a less lethal tool you use
23 to incapacitate a subject in a lower escalation of force, to
24 detain them or take them into custody.

25 ATTY FURST: So, given the incident as you recall it, is
26 pepper spray a viable alternative for you?

27 OFC. REBOLI: Absolutely not. Not to deploy on the
28 subject.

1 ATTY FURST: Okay. And there was also the mention of, to
2 be quite frank, I didn't even know this term, the yawara stick.
3 Is that the proper pronunciation?

4 OFC. REBOLI: Yes. That's the impact weapon that the
5 Department issues to plainclothes officers.

6 ATTY FURST: Okay. And was that a viable alternative
7 during this incident?

8 OFC. REBOLI: No, absolutely not.

9 ATTY FURST: And you said absolutely not to both pepper
10 spray and yawara stick. Explain why.

11 OFC. REBOLI: The suspect had a very large edged weapon,
12 and we were well within the 25-foot, it's referred to in
13 different circles, but it's kind of considered a kill zone, and
14 that's how it was described to me as well, throughout my martial
15 arts training as well as within the Academy. The theory is that
16 a subject that's armed with a bladed knife, a bladed edge
17 weapon, can kill you within 25 feet. They can advance on you so
18 quickly that you will not have time to defend yourself with a
19 firearm.

20 ATTY FURST: So, there are civilians who think that if
21 the person is five, six, seven feet away from you that you have
22 plenty of time to diffuse the situation. Is that foreign to what
23 you're just talking about?

24 OFC. REBOLI: Absolutely, yes.

25 ATTY FURST: Okay. Could you have diffused the situation
26 by any other means?

27 OFC. REBOLI: Absolutely not.

28 ATTY FURST: Okay. In describing this incident, you

1 never really expressed the concept of fear. Were you afraid?

2 OFC. REBOLI: Absolutely.

3 ATTY FURST: And what were you afraid of?

4 OFC. REBOLI: I initially feared for my partner's safety
5 when I saw him engaged in the struggle, in the fight with the
6 suspect. Again, I know my partner since the Academy. We've been
7 partners for the majority of our careers. Officer Tiffe is not
8 one to physically engage people. So, the fact that he was
9 struggling with the suspect, heightened the situation. I knew in
10 order for Craig to be doing that, he was either under attack or
11 he feared immediately for his life and safety. Once I saw the
12 force at which the suspect slashed at him, and the size of the
13 knife, and the way he was slashing at me with the knife, given
14 the extreme close nature to where my body was in relation to
15 him, I knew my life was well within, I was well within that kill
16 zone.

17 It was an immediate danger and I feared for my life, as
18 well as knowing the original victim would have been unable to
19 defend himself, due to his state, and was within, so close to
20 where we were all at. I believe that the attack on the victim
21 would have continued, had I not defended my life as well as his
22 life. And at the time that I'm giving my order and interacting
23 with the suspect, I'm also under the realization that Officer
24 Tiffe is severely wounded, if not dead at that moment. So, I
25 feared for Officer Tiffe's life and in need of immediate medical
26 attention, as well as my life being threatened with him with a
27 deadly weapon.

28 ATTY FURST: Okay. One of the things that you said that

1 the person with a knife was in constant motion. Explain that a
2 little bit.

3 OFC. REBOLI: From the moment I saw Officer Tiffe
4 struggling with the suspect, until he fell to the ground and
5 stopped moving, he was in constant motion. He was always moving.
6 At no point did he just stop and stand static, like a mannequin,
7 at no time. He was constantly, he was fighting with Craig,
8 Officer Tiffe, when he slashed at him and he started running
9 directly at me. Even to the point where he stopped his momentum
10 from running, he was still in front of me, but he was also still
11 moving and turning his body, as well as slashing the knife in
12 the air, in-between him and I. So, I may have described, he
13 stops his momentum from running, but at no point did I mean to
14 allude to the fact that he had ever stopped his actual body or
15 his movements.

16 ATTY FURST: Did you still feel that you, that there was
17 a threat to your safety?

18 OFC. REBOLI: Absolutely. Again, I was five, six feet, I
19 was way too close, and the way he was moving the knife around,
20 he could have easily attacked me and plunged the knife into me,
21 even as I'm firing the weapon.

22 ATTY FURST: Okay. I have no further questions.

23 INV. AULET: Officer Reboli, is there any other
24 statement relevant to this incident that you wish to make at
25 this time?

26 OFC. REBOLI: I don't believe so. I believe I've answered
27 truthfully and as clearly and as honestly as I could to your
28 questions.

1 INV. AULET: Is there any other statement relevant to
2 this incident that you wish to make at this time?
3 OFC. REBOLI: Again..
4 INV. AULET: I'm sorry, I think I already asked that
5 question.
6 OFC. REBOLI: Okay.
7 ATTY FURST: I think it's a repetition of the question.
8 INV. AULET: Yeah, yeah. The other one is, is there any
9 witness or evidence that you intend to submit on your behalf?
10 OFC. REBOLI: To you? I didn't know there was an option,
11 but no, I don't know who's been called. I was just told to come
12 down and answer your questions.
13 INV. AULET: Very good. In that case, we'll conclude the
14 interview at 6:24 p.m. Thank you.
15 **END OF DOCUMENT**
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